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**Pro Hac Vice Pending*
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
SPOKANE DIVISION**

RAYMOND BALESTRA,
individually and on behalf of all
others similarly situated,

Plaintiff,

No. 2:18-cv-00103-SMJ

DECLARATION OF ROGER
TOWNSEND

v.

GIGA WTT, INC.; GIGAWATT
PTE, LTD; CRYPTONOMOS PTE,
LTD; and DAVID CARLSON,

Defendants.

DECLARATION OF ROGER M.
TOWNSEND - 1
(No. 2:18-cv-00103-SMJ)

BRESKIN | JOHNSON | TOWNSEND PLLC
1000 Second Avenue, Suite 3670
Seattle, Washington 98104 Tel: 206-652-8660

1 I, Roger M. Townsend, state:

2 1. I am counsel for Plaintiff Raymond Balestra and movant Alex
3 McVicker (“Movant”). I am over the age of 18 years, have personal knowledge of
4 the facts stated herein, and am competent to testify as a witness.

5 2. I submit this declaration in support of Movant’s Motion for
6 Appointment as Lead Plaintiff and Approval of Selection of Counsel (the
7 “Motion”).

8 3. Attached hereto as **Exhibit 1** is a true and correct copy of Movant’s
9 PSLRA Certification.

10 4. Attached hereto as **Exhibit 2** is a true and correct copy of the press
11 release originally published on March 23, 2018, on Business Wire announcing the
12 pendency of the Action and informing class members of their right to file a motion
13 seeking appointment as lead plaintiff.

14 5. Attached hereto as **Exhibit 3** is a true and correct copy of the firm
15 resume of Levi & Korsinsky, LLP.

16 6. Attached hereto as **Exhibit 4** is a true and correct copy of the firm
17 resume of Silver Miller.

18 7. Attached hereto as **Exhibit 5** is a true and correct copy of the firm
19 resume of Breskin Johnson & Townsend, PLLC.

20
DECLARATION OF ROGER M.
TOWNSEND - 2
(No. 2:18-cv-00103-SMJ)

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1 I declare under penalty of perjury under the laws of the State of Washington
2 that the foregoing is true and correct.

3 DATED: May 22, 2018.

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5 *s/Roger Townsend*

6 Roger Townsend
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DECLARATION OF ROGER M.
TOWNSEND - 3
(No. 2:18-cv-00103-SMJ)

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CERTIFICATE OF SERVICE

I hereby certify that on this date I filed the foregoing document with the Clerk of the Court using the court's ECF filing system which will automatically serve the filing on registered ECF users:

Barry M. Kaplan
bkaplan@wsgr.com
Gregory L. Watts
gwatts@wsgr.com
Wilson Sonsini Goodrich & Rosati PC

DATED May 22, 2018, at Seattle, Washington.

s/Leslie Boston
Leslie Boston, Paralegal

DECLARATION OF ROGER M.
TOWNSEND - 4
(No. 2:18-cv-00103-SMJ)

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EXHIBIT 1

**CERTIFICATION OF PLAINTIFF
PURSUANT TO FEDERAL SECURITIES LAWS**

I, Alex McVicker, declare as to the claims asserted under the federal securities laws, as follows:

1. I have reviewed the complaint in the lawsuit against Giga Watt, Inc., *et al.*, alleging, *inter alia*, violations of federal securities laws (the "Complaint"); and I adopt the allegations therein.
2. I did not purchase the Giga Watt tokens that are the subject of this Complaint at the direction of Plaintiffs' counsel or to participate in this litigation.
3. I am willing to serve as a representative party on behalf of the Class, including providing testimony at deposition and trial, if necessary.
4. I received Giga Watt tokens in exchange for my investments in Giga Watt. My Giga Watt investment history is contained in the chart attached hereto as **Exhibit "A"**.
5. During the three years prior to the date of this Certification, I have not participated, nor have I sought to participate, as a representative in any class action suit in the United States District Courts under the federal securities laws.
6. I have not received, been promised or offered, and will not accept, any form of compensation, directly or indirectly, for prosecuting or serving as a representative party in this class action, except for: (i) such damages or other relief as the Court may award to me as my pro rata share of any recovery or judgment; (ii) such reasonable fees, costs or other payments as the Court expressly approves to be paid to or on behalf of me; or (iii) reimbursement, paid by my attorneys, of actual or reasonable out-of-pocket expenditures incurred directly in connection with the prosecution of this action.

I hereby certify, under penalty of perjury, that the foregoing is true and correct.

Executed this 21st day of May, 2018.



Alex McVicker

EXHIBIT “A”**ALEX McVICKER
GIGA WATT INVESTMENT HISTORY**

Bitcoin (BTC) / Ether (ETH) Spent to Purchase Giga Watt Tokens (WTT)		
Date	Cryptocurrency Invested¹	WTT Tokens Received
09/15/2017	0.0369753 ETH (\$25.88)	10
09/15/2017	1.1893802 ETH (\$832.56)	390
09/16/2017	0.4774074 ETH (\$334.18)	166
09/30/2017	1.5735418 ETH (\$1,101.48)	600
10/06/2017	1.770854 ETH (\$1,239.60)	710
TOTAL	5.0481587 ETH (\$3,533.70)	1,876 WTT

Bitcoin (BTC) / Litecoin (LTC) Spent to Purchase Cryptocurrency Miners, related Power Supplies, and Giga Watt Deployment/Setup Fees		
Date	Cryptocurrency/ Fiat Currency Invested²	Miners Purchased
09/15/2017	96.72 LTC (\$12,960.48)	2 Antminer D3 Dash miners
09/15/2017	81.4 LTC (\$10,907.60)	2 Antminer D3 Dash miners
09/16/2017	1.16229687 BTC (\$9,530.83)	2 Antminer D3 Dash miners
09/22/2017	1.15841503 BTC (\$9,499)	2 Antminer D3 Dash miners
09/22/2017	89.98 LTC (\$12,057.32)	2 Antminer D3 Dash miners
TOTAL	2.3207119 BTC (\$19,029.83) and 268.1 LTC (\$35,925.40)	10 Antminer D3 Dash miners

¹ The ETH and USD values herein are based on relative valuations of ETH to USD on the date of investment and on May 21, 2018.

² The LTC and USD values herein are based on relative valuations of LTC to USD on the date of investment and on May 21, 2018.

EXHIBIT 2



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SHAREHOLDER ALERT: Levi & Korsinsky, LLP Notifies Investors in Giga Watt, Inc. and GigaWatt Pte. Ltd.'s Initial Coin Offering of a Class Action Lawsuit and a Lead Plaintiff Deadline of May 22, 2018

March 23, 2018 05:08 PM Eastern Daylight Time

NEW YORK--([BUSINESS WIRE](#))--The following statement is being issued by Levi & Korsinsky, LLP:

To: All persons or entities who purchased or otherwise acquired Giga Watt Tokens ("WTT Tokens") pursuant to Giga Watt, Inc. and GigaWatt Pte. Ltd.'s Initial Coin Offering between approximately May 19, 2017 and July 31, 2017. **You are hereby notified** that Levi & Korsinsky initiated the class action *Balestra v. Giga Watt, Inc.* (2:18-cv-00103) in the United States District Court for the Eastern District of Washington. To get more information **go to:**

<http://www.zlk.com/pslra-sbm-cc/giga-watt>

or contact Joseph E. Levi, Esq. either via email at jlevi@levikorsinsky.com or by telephone at (212) 363-7500, toll-free: (877) 363-5972. **There is no cost or obligation to you.**

The complaint alleges that Giga Watt, Inc. and GigaWatt Pte. Ltd. violated Sections 12 and 15 of the Securities Act of 1933 and other securities laws by engaging in interstate commerce for the purposes of offering, selling, or delivering unregistered securities.

If you purchased WTT Tokens pursuant to the ICO you have until May 22, 2018 to request that the Court appoint you as lead plaintiff. Your ability to share in any recovery doesn't require that you serve as a lead plaintiff.

Levi & Korsinsky is a national firm with offices in New York, California, Connecticut, and Washington D.C. The firm's attorneys have extensive expertise and experience representing investors in securities litigation, and have recovered hundreds of millions of dollars for aggrieved shareholders. Attorney advertising. Prior results do not guarantee similar outcomes.

Contacts

Levi & Korsinsky, LLP

Joseph E. Levi, Esq.

Tel: 212-363-7500

Toll Free: 877-363-5972

Fax: 212-363-7171

[Declaration](#) of Roger Townsend

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EXHIBIT 3

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ABOUT THE FIRM

Levi & Korsinsky, LLP is a national law firm with decades of combined experience litigating complex securities, class, and consumer actions in state and federal courts throughout the country. Our main office is located in New York City and we also maintain offices in Connecticut, California, and Washington, D.C.

We represent the interests of aggrieved shareholders in class action and derivative litigation through the vigorous prosecution of corporations that have committed securities fraud and boards of directors who have breached their fiduciary duties. We have served as Lead and Co-Lead Counsel in many precedent-setting litigations, recovered millions of dollars for shareholders via securities fraud lawsuits, and obtained fair value, multi-billion dollar settlements in merger transactions.

We also represent clients in high-stakes consumer class actions against some of the largest corporations in America. Our legal team has a long and successful track record of litigating high-stakes, resource-intensive cases and consistently achieving results for our clients.

Our attorneys are highly skilled and experienced in the field of securities class action litigation. They bring a vast breadth of knowledge and skill to the table and, as a result, are frequently appointed Lead Counsel in complex shareholder and consumer litigations in various jurisdictions. We are able to allocate substantial resources to each case, reviewing public documents, interviewing witnesses, and consulting with experts concerning issues particular to each case. Our attorneys are supported by exceptionally qualified professionals including financial experts, investigators, and administrative staff, as well as cutting-edge technology and e-discovery systems. Consequently, we are able to quickly mobilize and produce excellent litigation results. Our ability to try cases, and win them, results in substantially better recoveries than our peers.

We do not shy away from uphill battles – indeed, we routinely take on complex and challenging cases, and we prosecute them with integrity, determination, and professionalism.

“...a model for how [the] great legal profession should conduct itself.”

Justice Timothy S. Driscoll in *Grossman v. State Bancorp, Inc.*,
Index No. 600469/2011 (N.Y. Sup. Ct. Nassau Cnty. Nov. 29, 2011)

PRACTICE AREAS**Securities Fraud Class Actions**

We prosecute claims on behalf of investors to recover losses suffered as a result of securities fraud, including the manipulation of a company's stock price by its executives, officers, directors, and advisors such as underwriters and accountants, through the issuance of false and misleading information. Our firm has been appointed Lead Counsel in numerous class actions filed in both federal and state courts across the country.

In *E-Trade Financial Corp. Securities Litigation*, No. 07-cv-8538 (S.D.N.Y. 2007), we were selected from a crowded field as Co-Lead Counsel for a landmark securities fraud class action that arose out of the mortgage crisis. Our successful prosecution of the case resulted in a \$79 million recovery for the shareholder class.

We have been appointed Lead or Co-Lead Counsel in the following securities class actions:

- *Rensel v. Centra Tech, Inc.*, 17-cv-24500-JLK (S.D. Fla. Apr. 11, 2018)
- *Cullinan v. Cemtrex, Inc.* 2:17-cv-01067 (E.D.N.Y. Mar. 3, 2018)

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- *Emerson v. Genocea Biosciences, Inc.*, 1:17-cv-12137 (D. Mass. Feb. 2, 2018)
 - *In re Navient Corporation Sec. Litig.*, 1:17-cv-08373-RBK-AMD (D.N.J. Feb. 2, 2018)
 - *Abouzied v. Applied Optoelectronics, Inc.*, 4:17-cv-2399 (S.D. Tex. Jan. 22, 2018)
 - *Huang v. Depomed, Inc.*, 3:17-cv-04830-JST (N.D. Cal. Dec. 8, 2017)
 - *In re Regulus Therapeutics Inc. Sec. Litig.*, 3:17-cv-00182-BTM-RBB (D. Mass. Oct. 26, 2017)
 - *Mahoney v. Foundation Medicine, Inc.*, 1:17-cv-11394-LTS (D. Mass. Oct. 20, 2017)
 - *Murphy III v. JBS S.A.*, 1:17-cv-03084-ILG-RER (E.D.N.Y. Oct. 10, 2017)
 - *Goldsmith v. Weibo Corporation*, 2:17-cv-04728-SRC-CLW (D.N.J. Sept. 28, 2017)
 - *Waterford Township Police and Fire Retirement System v. Mattel, Inc.*, 2:17-cv-04732-VAP-KS (C.D. Cal. Sept. 9, 2017)
 - *In re U.S. Steel Consolidated Cases*, Civil Action No. 17-559-CB (W.D. Pa. Aug. 16, 2017)
 - *Hinshaw v. Neurotrope, Inc.*, 1:17-cv-03718-LGS (S.D.N.Y. Aug. 10, 2017)
 - *Ohren v. Amyris, Inc.*, 3:17-cv-002210-WHO (N.D. Cal. Aug. 8, 2017)
 - *Rodriguez v. Gigamon Inc.*, 5:17-cv-00434-EJD (N.D. Cal. July 26, 2017)
 - *Beezley v. Fenix Parts, Inc.*, 2:17-cv-00233 (D.N.J. June 28, 2017)
 - *M & M Hart Living Trust v. Global Eagle Entertainment, Inc.*, 2:17-cv-01479 (C.D. Cal. June 26, 2017)
 - *Maurer v. Argos Therapeutics, Inc.*, 1:17-cv-00216 (M.D.N.C. June 23, 2017)
 - *Ruedelstei v. U.S. Concrete, Inc.*, 4:17-cv-266 (N.D. Tex. June 22, 2017)
 - *In re Aratana Therapeutics, Inc. Sec. Litig.*, 1:17-cv-880 (S.D.N.Y. June 6, 2017)
 - *In re Insys Therapeutics, Inc.*, 1:17-cv-1954 (S.D.N.Y. May 31, 2017)
 - *Clevlen v. Anthera Pharmaceuticals, Inc.*, 3:17-cv-00715 (N.D. Cal. May 18, 2017)
 - *In re Agile Therapeutics, Inc. Sec. Litig.*, 3:17-cv-00119-AET-LHG (D.N.J. May 15, 2017)
 - *Chupka v. Pearson Plc.*, 1:17-cv-1422 (S.D.N.Y. May 9, 2017)
 - *Roper v. SITO Mobile Ltd.*, 2:17-cv-01106-ES-MAH (D.N.J. May 8, 2017)
 - *In re Egalet Corporation Sec. Litig.*, 2:17-cv-00617 (E.D.Pa. May 1, 2017)
 - *In re Illumina, Inc. Sec. Litig.*, 3:16-cv-03044-L-KSC (S.D. Cal. Mar. 30, 2017)
 - *In re Arrowhead Pharmaceuticals, Inc.*, 2:16-cv-08505-PSG-PJW (C.D. Cal. Mar. 8, 2017)
 - *Michael Gregory v ProNAi*, 1:16-cv-08703-PAE (Mass. Sup. Ct. Feb. 1, 2017)
 - *Roszbach v. VASCO Data Security Int'l Inc.*, 1:15-cv-06605 (N.D. Ill. Dec. 1, 2016)
 - *In re PTC Therapeutics, Inc.*, 2:16-cv-01224-KM-MAH (D.N.J. Nov. 14, 2016)
 - *Schwab v. E*Trade Financial Corporation*, 1:16-cv-05891-JGK (S.D.N.Y. Nov. 9, 2016)
 - *Wilbush v. Ambac Financial Group, Inc.*, Civ. No. 1:16-cv-05076 RMB (S.D.N.Y. Oct. 11, 2016)
 - *The TransEnterix Investor Group v. TransEnterix, Inc.*, 5:16-cv-00313-D (E.D.N.C. Aug. 30, 2016)
 - *Magro v. Freeport-McMoran Inc.*, 2:16-cv-00186-DJH (D. Ariz. Aug. 19, 2016)
 - *Gormley v. magicJack VocalTec Ltd.*, 1:16-cv-01869-VM (S.D.N.Y. July 12, 2016)
 - *Azar v. Blount Int'l Inc.*, Civ. No. 3:16-cv-00483-SI (D. Or. July 1, 2016)
 - *Plumley v. Sempra Energy*, 3:16-cv-00512-BEN-RBB (S.D. Cal. June 6, 2016)
 - *Francisco v. Abengoa, S.A.*, 1:15-cv-06279-ER (S.D.N.Y. May 24, 2016)

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- *Harrington v. Tetraphase Pharmaceuticals, Inc.*, Civ. No. 1:16-cv-10133-LTS (D. Mass. May 13, 2016)
- *De Vito v. Liquid Holdings Group, Inc.*, 2:15-cv-06969-KM-JBC (D.N.J. Apr. 7, 2016)
- *In re OvaScience Inc. Stockholder Litig.*, C.A. No. 15-3087-BLS2 (Mass. Super. Ct. Apr. 2, 2016)
- *Ford v. Natural Health Trends Corp.*, 2:16-cv-00255-TJH-AFM (C.D. Cal. Mar. 29, 2016)
- *Bai v. TCP International Holdings Ltd.*, 1:16-cv-00102-DCN (N.D. Ohio Mar. 18, 2016)
- *Meier v. Checkpoint Systems, Inc.*, 1:15-cv-08007 (D.N.J. Jan. 1, 2016)
- *Messner v. USA Technologies, Inc.*, 2:15-cv-05427-MAK (E.D. Pa. Dec. 15, 2015)
- *Levin v. Resource Capital Corp.*, 1:15-cv-07081-LLS (S.D.N.Y. Nov. 24, 2015)
- *Messerli v. Root 9B Technologies, Inc.*, 1:15-cv-02152-WYD (D. Colo. Oct. 14, 2015)
- *Martin v. Altisource Residential Corp.*, 1:15-cv-00024 (D.V.I. Oct. 7, 2015)
- *Paggos v. Resonant, Inc.*, 2:15-cv-01970 SJO (VBKx) (C.D. Cal. Aug. 7, 2015)
- *Fragala v. 500.com Ltd.*, 2:15-cv-01463-MMM (C.D. Cal. July 7, 2015)
- *Stevens v. Quiksilver Inc.*, 8:15-cv-00516-JVS-JCGx. (C.D. Cal. June 26, 2015)
- *In re Ocean Power Technologies, Inc. Sec. Litig.*, 14-3799 (FLW) (LHG) (D.N.J. Mar. 17, 2015)
- *In re Energy Recovery Inc. Sec. Litig.*, 3:15-cv-00265 (N.D. Cal. Jan. 20, 2015)
- *Klein v. TD Ameritrade Holding Corp.*, 3:14-cv-05738 (D. Neb. Dec. 2, 2014)
- *In re China Commercial Credit Sec. Litig.*, 1:15-cv-00557 (ALC) (D.N.J. Oct. 31, 2014)
- *In re Violin Memory, Inc. Sec. Litig.*, 4:13-cv-05486-YGR (N.D. Cal. Feb. 26, 2014)
- *Berry v. Kior, Inc.*, 4:13-cv-02443 (S.D. Tex. Nov. 25, 2013)
- *In re OCZ Technology Group, Inc. Sec. Litig.*, 3:12-cv-05265-RS (N.D. Cal. Jan. 4, 2013)
- *In re Digital Domain Media Group, Inc. Sec. Litig.*, 12-CIV-14333 (JEM) (S.D. Fla. Sept. 20, 2012)
- *Zaghian v. THQ, Inc.*, 2:12-cv-05227-GAF-JEM (C.D. Cal. Sept. 14, 2012)

Derivative, Corporate Governance & Executive Compensation

We protect shareholders by enforcing the obligations of corporate fiduciaries. We are a leader in achieving important corporate governance reforms for the benefit of shareholders. Our efforts include the prosecution of derivative actions in courts around the country, making pre-litigation demands on corporate boards to investigate misconduct and taking remedial action for the benefit of shareholders. In situations where a company's board responds to a demand by commencing its own investigation, we frequently work with the board's counsel to assist with and monitor the investigation, ensuring that the investigation is thorough and conducted in an appropriate manner.

We also have successfully prosecuted derivative and class action cases to hold corporate executives and board members accountable for various abuses and to help preserve corporate assets through long-lasting and meaningful corporate governance changes, thus ensuring that prior misconduct does not reoccur. We have extensive experience challenging executive compensation, recapturing assets for the benefit of companies and their shareholders. In addition, we have secured corporate governance changes to ensure that executive compensation is consistent with shareholder-approved compensation plans, company performance, and federal securities laws.

In *MacCormack v. Groupon, Inc.*, C.A. No. 13-940-GMS (D. Del. 2013), we caused the cancellation of \$2.3 million worth of restricted stock units granted to a company executive in violation of a shareholder-approved plan, as well as the adoption of enhanced corporate governance procedures designed to

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ensure that the board of directors complies with the terms of the plan; we also obtained additional material disclosures to shareholders in connection with a shareholder vote on amendments to the plan.

In *Scherer v. Lu*, (Diodes Incorporated), No. 13-358-GMS, 2014 U.S. Dist. LEXIS 196440 (D. Del. 2014), we secured the cancellation of \$4.9 million worth of stock options granted to the company's CEO in violation of a shareholder-approved plan, and obtained additional disclosures to enable shareholders to cast a fully-informed vote on the adoption of a new compensation plan at the company's annual meeting.

In *Edwards v. Benson*, (Headwaters Incorporated), (D. Utah 2014), we caused the cancellation of \$3.2 million worth of stock appreciation rights granted to the company's CEO in violation of a shareholder-approved plan and the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan.

In *Pfeiffer v. Begley*, (DeVry, Inc.), (Cir. Ct. DuPage Cty., Ill. 2012), we secured the cancellation of \$2.1 million worth of stock options granted to the company's CEO in 2008-2012 in violation of a shareholder-approved incentive plan.

In *Basch v. Healy* (D. Del. 2014), we obtained a cash payment to the company to compensate for equity awards issued to officers in violation of the company's compensation plan and caused significant changes in the company's compensation policies and procedures designed to ensure that future compensation decisions are made consistent with the company's plans, charters and policies. We also impacted the board's creation of a new compensation plan and obtained additional disclosures to stockholders concerning the board's administration of the company's plan and the excess compensation.

In *Pfeiffer v. Toll* (Toll Brothers Derivative Litigation), C.A. No. 4140-VCL (Del. Ch. 2010), we prevailed in defeating defendants' motion to dismiss in a case seeking disgorgement of profits that company insiders reaped through a pattern of insider-trading. After extensive discovery, we secured a settlement returning \$16.25 million in cash to the company, including a significant contribution from the individuals who traded on inside information.

In *Kleba v. Dees*, C.A. 3-1-13 (Tenn. Cir. Ct. Knox Cty. 2014), we recovered approximately \$9 million in excess compensation given to insiders and the cancellation of millions of shares of stock options issued in violation of a shareholder-approved compensation plan. In addition, we obtained the adoption of formal corporate governance procedures designed to ensure that future compensation decisions are made independently and consistent with the plan.

In *Lopez v. Nudelman*, (CTI BioPharma Corp.), 14-2-18941-9 SEA (Wash. Super. Ct. King Cnty. 2015), we recovered approximately \$3.5 million in excess compensation given to directors and obtained the adoption of a cap on director compensation, as well as other formal corporate governance procedures designed to implement best practices with regard to director and executive compensation.

In *In re i2 Technologies, Inc. Shareholder Litigation*, C.A. No. 4003-CC (Del. Ch. 2008), as Counsel for the Lead Plaintiff, we challenged the fairness of certain asset sales made by the company and secured a \$4 million recovery.

In *In re Activision, Inc. Shareholder Derivative Litigation*, No. 06-cv-04771-MRP (JTLX) (C.D. Cal. 2008), we were Co-Lead Counsel and challenged executive compensation related to the dating of options. This effort resulted in the recovery of more than \$24 million in excessive compensation and expenses, as well as the implementation of substantial corporate governance changes.

In *In re Corinthian Colleges, Inc. Shareholder Derivative Litigation*, 8:06cv777-AHS (C.D. Cal. 2006), we were Co-Lead Counsel and achieved a \$2 million benefit for the company, resulting in the re-pricing of executive stock options and the establishment of extensive corporate governance changes.

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In *Pfeiffer v. Alpert (Beazer Homes Derivative Litigation)*, C.A. No. 10-cv-1063-PD (D. Del. 2010), we successfully challenged certain aspects of the company's executive compensation structure, ultimately forcing the company to improve its compensation practices.

In *In re Cincinnati Bell, Inc., Derivative Litigation*, Case No. A1105305 (Ohio, Hamilton Cty. 2012), we achieved significant corporate governance changes and enhancements related to the company's compensation policies and practices in order to better align executive compensation with company performance. Reforms included the formation of an entirely independent compensation committee with staggered terms and term limits for service.

In *Woodford v. Mizel (M.D.C. Holdings, Inc.)*, 1:2011cv00879 (D. Del. 2012), we challenged excessive executive compensation, ultimately obtaining millions of dollars in reductions of that compensation, as well as corporate governance enhancements designed to implement best practices with regard to executive compensation and increased shareholder input.

In *Bader v. Goldman Sachs Group, Inc.*, No. 10-4364-cv, 2011 WL 6318037 (2d Cir. Dec. 19, 2011), we persuaded the Second Circuit Court of Appeals to reverse the District Court's dismissal of derivative claims seeking to recover excessive compensation granted to officers and directors of Goldman Sachs.

In *In re Google Inc. Class C Shareholder Litigation*, C.A. No. 7469-CS (Del. Ch. 2012), we challenged a stock recapitalization transaction to create a new class of nonvoting shares and strengthen the corporate control of the Google founders. We helped achieve an agreement that provided an adjustment payment to shareholders in the event of certain discounts in the price of Google stock, and provided enhanced board scrutiny of the Google founders' ability to transfer stock, including the implementation of a new procedure for a waiver or modification of the founders' Transfer Restriction Agreement.

Mergers & Acquisitions

We have achieved an impressive record in obtaining injunctive relief for shareholders and are one of the premier law firms engaged in mergers & acquisitions and takeover litigation, where we strive to maximize shareholder value. In these cases, we regularly fight to obtain settlements that enable the submission of competing buyout bid proposals, thereby increasing consideration for shareholders.

We have litigated landmark cases that have altered the landscape of mergers & acquisitions law and resulted in multi-million dollar awards to aggrieved shareholders.

In *In re Great Wolf Resorts, Inc. Shareholder Litigation*, C.A. No. 7328-VCN (Del. Ch. 2012), we achieved tremendous results for shareholders, including partial responsibility for a \$93 million (57%) increase in merger consideration and the waiver of several "don't-ask-don't-waive" standstill agreements that were restricting certain potential bidders from making a topping bid for the company.

In *In re CNX Gas Corp. Shareholder Litigation*, 4 A.3d 397 (Del. Ch. 2010), as Plaintiffs' Executive Committee Counsel, we obtained a landmark ruling from the Delaware Chancery Court that set forth a unified standard for assessing the rights of shareholders in the context of freeze-out transactions and ultimately led to a common fund recovery of over \$42.7 million for the company's shareholders.

In *In re Talecris Biotherapeutics Holdings Shareholder Litigation*, C.A. No. 5614-VCL (Del. Ch. 2010), we served as counsel for one of the Lead Plaintiffs, achieving a settlement that increased the merger consideration to Talecris shareholders by an additional 500,000 shares of the acquiring company's stock and providing shareholders with appraisal rights.

In *In re Minerva Group LP v. Mod-Pac Corp.*, Index No. 800621/2013 (N.Y. Sup. Ct. Erie Cty. 2013), we obtained a settlement in which defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share, representing a recovery of \$2.4 million for shareholders.

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In *Stephen J. Dannis v. J.D. Nichols*, C.A. No. 13-CI-00452 (Ky. Cir. Ct. Jefferson Cty. 2014), as Co-Lead Counsel, we obtained a 23% increase in the merger consideration (from \$7.50 to \$9.25 per unit) for shareholders of NTS Realty Holdings Limited Partnership. The total benefit of \$7.4 million was achieved after two years of hard-fought litigation, challenging the fairness of the going-private, squeeze-out merger by NTS's controlling unitholder and Chairman, Defendant Jack Nichols. The unitholders bringing the action alleged that Nichols' proposed transaction grossly undervalued NTS's units. The 23% increase in consideration was a remarkable result given that on October 18, 2013, the Special Committee appointed by the Board of Directors had terminated the existing merger agreement with Nichols. Through counsel's tenacious efforts the transaction was resurrected and improved.

In *In re Craftmade International, Inc. Shareholders Litigation*, C.A. No. 6950-VCL (Del. Ch. 2011), we served as Co-Lead Counsel and successfully obtained an injunction requiring numerous corrective disclosures and a "Fort Howard" release announcing that the Craftmade Board of Directors was free to conduct discussions with any other potential bidders for the company.

In *Dias v. Purches*, C.A. No. 7199-VCG (Del. Ch. 2012), Vice Chancellor Sam Glasscock, III of the Delaware Chancery Court partially granted shareholders' motion for preliminary injunction and ordered that defendants correct a material misrepresentation in the proxy statement related to the acquisition of Parlux Fragrances, Inc. by Perfumania Holding, Inc.

In *Forgo v. Health Grades, Inc.*, C.A. No. 5716-VCS (Del. Ch. 2010), as Co-Lead Counsel, our attorneys established that defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize value as required under *Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc.*, 506 A.2d 173 (Del. 1986). We secured an agreement with defendants to take numerous steps to seek a superior offer for the company, including making key modifications to the merger agreement, creating an independent committee to evaluate potential offers, extending the tender offer period, and issuing a "Fort Howard" release affirmatively stating that the company would participate in good faith discussions with any party making a bona fide acquisition proposal.

*"I think you've done a superb job and I really appreciate
the way this case was handled."*

The Honorable Ronald B. Rubin in *Teoh v. Ferrantino*, C.A. No. 356627
(Cir. Ct. for Montgomery Cnty., MD 2012)

In *Chen v. Howard-Anderson*, C.A. No 5878-VCL (Del. Ch. 2010), we represented shareholders in challenging the merger between Occam Networks, Inc. and Calix, Inc., obtaining a preliminary injunction against the merger after showing that the proxy statement by which the shareholders were solicited to vote for the merger was materially false and misleading. We then took the case to trial and recovered \$35 million for the shareholders.

In *In re Pamrapo Bancorp Shareholder Litigation*, Docket C-89-09 (N.J. Ch. Hudson Cty. 2011) & HUD-L-3608-12 (N.J. Law Div. Hudson Cty. 2015), we defeated defendants' motion to dismiss shareholders' class action claims for money damages and a motion for summary judgment, ultimately securing a settlement recovering \$1.95 million for the Class plus the Class's legal fees and expenses up to \$1 million (representing an increase in consideration of 15-23% for the members of the Class). The case stemmed from the sale of Pamrapo Bancorp to BCB Bancorp at an allegedly unfair price through an unfair process. In addition to obtaining this recovery, the Court also found that our efforts substantially benefited the shareholders by obtaining supplemental disclosures for shareholders ahead of the merger vote.

In *In re Complete Genomics, Inc. Shareholder Litigation*, C.A. No. 7888-VCL (Del. Ch. 2012), we obtained preliminary injunctions of corporate merger and acquisition transactions, and Plaintiffs successfully enjoined

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a “don’t-ask-don’t-waive” standstill agreement.

In *In re Integrated Silicon Solution, Inc. Stockholder Litigation*, Lead Case No. 115CV279142 (Super. Ct. Santa Clara, CA 2015), we won an injunction requiring corrective disclosures concerning “don’t-ask-don’t-waive” standstill agreements and certain financial advisor conflicts of interests, and contributed to the integrity of a post-agreement bidding contest that led to an increase in consideration from \$19.25 to \$23 per share, a bump of almost 25 percent.

In *In re Bluegreen Corp. Shareholder Litigation*, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cty., FL), as Co-Lead Counsel, we achieved a common fund recovery of \$36.5 million for minority shareholders in connection with a management-led buyout, increasing gross consideration to shareholders in connection with the transaction by 25% after three years of intense litigation.

Consumer Litigation

Levi & Korsinsky works hard to protect consumers by holding corporations accountable for defective products, false and misleading advertising, overcharging, and unfair or deceptive business practices.

Our litigation and class action expertise combined with our in-depth understanding of federal and state laws enables us to fight for consumers who purchased defective products, including automobiles, appliances, electronic goods, and home products, as well as consumers who were deceived by consumer service providers such as banks and insurance, credit card, or phone companies.

“The quality of the representation... has been extremely high, not just in terms of the favorable outcome in terms of the substance of the settlement, but in terms of the diligence and the hard work that has gone into producing that outcome.”

The Honorable Joseph F. Bianco, in *Landes v. Sony Mobile Communications*,
17-cv-02264-JFB-SIL (E.D.N.Y. Dec. 1, 2017)

In *NV Security, Inc. v. Fluke Networks*, Case No. CV05-4217 GW (SSx) (C.D. Cal. 2005), we negotiated a settlement on behalf of purchasers of Test Set telephones in an action alleging that the Test Sets contained a defective 3-volt battery. We benefited the consumer class by obtaining the following relief: free repair of the 3-volt battery, reimbursement for certain prior repair, an advisory concerning the 3-volt battery on the outside of packages of new Test Sets, an agreement that defendants would cease to market and/or sell certain Test Sets, and a 42-month warranty on the 3-volt battery contained in certain devices sold in the future.

In *Bustos v. Vonage America, Inc.*, Case No. 06 Civ. 2308 (HAA) (D.N.J. 2006), our firm achieved a common fund settlement of \$1.75 million on behalf of class members who purchased Vonage Fax Service in an action alleging that Vonage made false and misleading statements in the marketing, advertising, and sale of Vonage Fax Service by failing to inform consumers that the protocol Defendant used for the Vonage Fax Service was unreliable and unsuitable for facsimile communications.

In *Masterson v. Canon U.S.A.*, Case No. BC340740 (Cal. Super. Ct. L.A. Cty. 2006), we represented purchasers of Cannon SD Cameras in an action alleging that liquid crystal display (“LCD”) screens on Cannon SD Cameras cracked, broke, or otherwise malfunctioned, and obtained refunds for certain broken LCD repair charges and important changes to the product warranty.

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OUR ATTORNEYS***Managing Partners*****Eduard Korsinsky**

For more than 20 years Eduard Korsinsky has represented clients in securities cases, derivative actions, consumer fraud, and complex commercial matters. He has been named a New York "Super Lawyer" by Thomson Reuters and is recognized as one of the country's leading practitioners in class and derivative matters. Mr. Korsinsky also has served as an editor of the American Bar Association's Securities Litigation Section's newsletter and is a member of the American Bar Association's Derivative Suits Subcommittee.

Cases which he has litigated include:

- ***E-Trade Financial Corp. Sec. Litig.***, No. 07-cv-8538 (S.D.N.Y. 2007), \$79 million recovery
- ***In re Activision, Inc. S'holder Derivative Litig.***, No. 06-cv-04771-MRP (JTLX)(C.D. Cal. 2006), recovered \$24 million in excess compensation
- ***Corinthian Colleges, Inc., S'holder Derivative Litig.***, SACV-06-0777-AHS (C.D. Cal. 2009), obtained repricing of executive stock options providing more than \$2 million in benefits to the company
- ***Pfeiffer v. Toll***, C.A. No. 4140-VCL (Del. Ch. 2010), \$16.25 million in insider trading profits recovered
- ***In re Net2Phone, Inc. S'holder Litig.***, Case No. 1467-N (Del. Ch. 2005), obtained increase in tender offer price from \$1.70 per share to \$2.05 per share
- ***In re Pamrapo Bancorp S'holder Litig.***, C-89-09 (N.J. Ch. Hudson Cty. 2011) & HUD-L-3608-12 (N.J. Law Div. Hudson Cty. 2015), obtained supplemental disclosures following the filing of a motion for preliminary injunction, pursued case post-closing, defeated motion for summary judgment, and obtained an increase in consideration of between 15-23% for the members of the Class
- ***In re Google Inc. Class C S'holder Litig.***, C.A. No. 19786 (Del. Ch. 2012), obtained payment ladder indemnifying investors up to \$8 billion in losses stemming from trading discounts expected to affect the new stock
- ***Woodford v. M.D.C. Holdings, Inc.***, 1:2011cv00879 (D. Del. 2012), one of a few successful challenges to say on pay voting, recovered millions of dollars in reductions to compensation
- ***i2 Technologies, Inc. S'holder Litig.***, C.A. No. 4003-CC (Del. Ch. 2008), \$4 million recovered, challenging fairness of certain asset sales made by the company
- ***Pfeiffer v. Alpert (Beazer Homes)***, C.A. No. 10-cv-1063-PD (D. Del. 2011), obtained substantial revisions to an unlawful executive compensation structure
- ***In re NCS Healthcare, Inc. Sec. Litig.***, C.A. CA 19786, (Del. Ch. 2002), case settled for approximately \$100 million
- ***Paraschos v. YBM Magnex Int'l, Inc.***, No. 98-CV-6444 (E.D. Pa.), United States and Canadian cases settled for \$85 million Canadian

Education

- New York University School of Law, LL.M. Master of Law(s) Taxation (1997)

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- Brooklyn Law School, J.D. (1995)
- Brooklyn College, B.S., Accounting, *summa cum laude* (1992)

Admissions

- New York (1996)
- New Jersey (1996)
- United States District Court for the Southern District of New York (1998)
- United States District Court for the Eastern District of New York (1998)
- United States Court of Appeals for the Second Circuit (2006)
- United States Court of Appeals for the Third Circuit (2010)
- United States District Court for the Northern District of New York (2011)
- United States District Court of New Jersey (2012)
- United States Court of Appeals for the Sixth Circuit (2013)

Publications

- Delaware Court Dismisses Compensation Case Against Goldman Sachs, ABA Section of Securities Litigation News & Developments (Nov. 7, 2011)
- SDNY Questions SEC Settlement Practices in Citigroup Settlement, ABA Section of Securities Litigation News & Developments (Nov. 7, 2011)
- New York Court Dismisses Shareholder Suit Against Goldman Sachs, ABA Section of Securities Litigation News & Developments (Oct. 31, 2011)

Joseph E. Levi

Joseph E. Levi is a central figure in shaping and managing the Firm's securities litigation practice. Mr. Levi has been lead or co-lead in dozens of cases involving the enforcement of shareholder rights in the context of mergers & acquisitions and securities fraud. In addition to his involvement in class action litigation, he has represented numerous patent holders in enforcing their patent rights in areas including computer hardware, software, communications, and information processing, and has been instrumental in obtaining substantial awards and settlements.

Mr. Levi and the attorneys achieved success on behalf of the former shareholders of Occam Networks, Inc. in litigation challenging the Company's merger with Calix, Inc., obtaining a preliminary injunction against the merger due to material representations and omissions in the proxy statement by which the shareholders were solicited to vote. See *Chen v. Howard-Anderson*, No. 5878-VCL (Del. Ch. Jan. 24, 2011). Vigorous litigation efforts continued to trial, recovering \$35 million for the shareholders.

Another victory for Mr. Levi and the attorneys was in litigation challenging the acquisition of Health Grades, Inc. by affiliates of Vestar Capital Partners, L.P., where it was successfully demonstrated to the Delaware Court of Chancery that the defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize value as required by *Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc.*, 506 A.2d 173 (Del. 1986). See *Weigard v. Hicks*, No. 5732-VCS (Del. Ch. Sept. 3, 2010). This ruling was used to reach a favorable settlement in which defendants agreed to a host of measures designed to increase the likelihood of superior bid. Vice Chancellor Strine "applaud[ed]" the litigation team for their preparation and the extraordinary high-quality of the briefing. He and the attorneys also played a

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prominent role in the matter of *In re CNX Gas Corp. Shareholders Litigation*, C.A. No. 5377-VCL (Del. Ch. 2010), in which plaintiffs recovered a common fund of over \$42.7 million for stockholders.

Education

- Brooklyn Law School, J.D., *magna cum laude* (1995)
- Polytechnic University, B.S., *summa cum laude* (1984); M.S. (1986)

Admissions

- New York (1996)
- New Jersey (1996)
- United States Patent and Trademark Office (1997)
- United States District Court for the Southern District of New York (1997)
- United States District Court for the Eastern District of New York (1997)

“[The court] appreciated very much the quality of the argument..., the obvious preparation that went into it, and the ability of counsel...”

Vice Chancellor Sam Glasscock, III in *Dias v. Purches*, C.A. No. 7199-VCG (Del. Ch. Apr. 5, 2012)

Partners

Adam M. Apton

Adam M. Apton focuses his practice on investor protection. He represents institutional investors and high net worth individuals in securities fraud, corporate governance, and shareholder rights litigation. Prior to joining the firm, Mr. Apton defended corporate clients against complex mass tort, commercial, and products liability lawsuits. Thomson Reuters selected Mr. Apton to the Super Lawyers Washington, DC “Rising Stars” list for the years 2016 and 2017, a distinction given to only the top 2.5% of lawyers.

Mr. Apton currently serves as court-appointed lead counsel in several class action lawsuits throughout the United States:

- *Carlton v. Cannon (KiOR Inc.)*, 4:13-cv-02443 (LHR) (S.D. Tex.), federal class action securities fraud lawsuit against former officers of biofuel firm KiOR, Inc., featured on CBS’s “60 Minutes”
- *In re Energy Recovery Inc. Sec. Litig.*, 3:15-cv-00265 (N.D. Cal.), federal class action lawsuit alleging securities fraud violations against company and former chief executive officer for false projections and reports of finances and operations
- *Cortina v. Anavex Life Sciences Corp.*, 1:15-cv-10162-JMF (S.D.N.Y.), federal class action lawsuit for market manipulation against biopharmaceutical company for promoting itself as extraordinary investment opportunity based on supposed cure for Alzheimer’s Disease
- *Rux v. Meyer (Sirius XM Holdings Inc.)*, No. 11577 (Del. Ch.), shareholder rights lawsuit against SiriusXM’s Board of Directors for engaging in harmful related-party transactions with controlling stockholder, John. C. Malone and Liberty Media Corp.

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- ***Stadnick v. Vivint Solar, Inc.***, No. 16-65 (2d Cir.), federal class action lawsuit alleging violations under the Securities Act of 1933 in connection with misleading initial public offering documents

Mr. Apton's past representations and successes include:

- ***In re Violin Memory Inc. Sec. Litig.***, 4: 13-cv-05486-YGR (N.D. Cal.) (settlement of \$7.5 million over allegations of false statements in initial public offering documents concerning sales to government sector)
- ***Roby v. Ocean Power Technologies, Inc.***, 3:14-cv-3799-FLW-LHG (D.N.J.) (settlement fund of \$3 million and 380,000 shares of common stock in response to allegations over failed technology)
- ***Maritime Asset Management, LLC v. NeurogesX, Inc.***, 4: 12-cv-05034-YGR (N.D. Cal.) (recovery of \$1.25 million on behalf of private offering class)
- ***Monson v. Friedman (Associated Estates Realty Corp.)***, 1:14-cv-01477-PAG (N.D. Ohio) (revoking improperly awarded stock options and implementing corporate governance preventing reoccurrence of similar violations)
- ***In re OCZ Technology Group, Inc. Sec. Litig.***, 3:12-cv-05265-RS (N.D. Cal.) (settlement fund of \$7.5 million over allegations of accounting fraud relating to improper revenue recognition)

Education

- New York Law School, J.D., *cum laude* (2009), where he served as Articles Editor of the *New York Law School Law Review* and interned for the New York State Supreme Court, Commercial Division
- University of Minnesota, B.A., Entrepreneurial Management & Psychology, With Distinction (2006)

Admissions

- New York (2010)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Eastern District of New York (2010)
- District of Columbia (2013)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States Court of Appeals for the Second Circuit (2016)
- United States Court of Appeals for the Third Circuit (2016)
- California (2017)
- United States District Court for the Northern District of California (2017)
- United States District Court for the Central District of California (2017)
- United States District Court for the Southern District of California (2017)

Donald J. Enright

During his 20 years as a litigator and trial lawyer, Mr. Enright has handled matters in the fields of securities, commodities, consumer fraud and commercial litigation, with a particular emphasis on shareholder M&A and securities fraud class action litigation. He has been named as a Washington, D.C. "Super Lawyer" by Thomson Reuters for several consecutive years, and as one of Washington's "Top Lawyers" by *Washingtonian* magazine.

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Mr. Enright has shown a track record of achieving victories in federal trials and appeals, including:

- ***Nathenson v. Zonagen, Inc.***, 267 F. 3d 400, 413 (5th Cir. 2001)
- ***SEC v. Butler***, 2005 U.S. Dist. LEXIS 7194 (W.D. Pa. April 18, 2005)
- ***Belizan v. Hershon***, 434 F. 3d 579 (D.C. Cir. 2006)

Most recently, as Co-Lead Counsel in ***In re Bluegreen Corp. Shareholder Litigation***, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cnty., Fla.), Mr. Enright achieved a \$36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders. Similarly, in ***In re CNX Gas Corp. Shareholders Litigation***, C.A. No. 53377-VCL (Del. Ch. 2010), in which Levi & Korsinsky served upon plaintiffs' Executive Committee, Mr. Enright helped obtain the recovery of a common fund of over \$42.7 million for stockholders.

Mr. Enright has also played a leadership role in numerous securities and shareholder class actions from inception to conclusion. His leadership has produced multi-million dollar recoveries in shareholder class actions involving such companies as:

- Allied Irish Banks PLC
- Iridium World Communications, Ltd.
- En Pointe Technologies, Inc.
- PriceSmart, Inc.
- Polk Audio, Inc.
- Meade Instruments Corp.
- Xicor, Inc.
- Streamlogic Corp.
- Interbank Funding Corp.
- Riggs National Corp.
- UTStarcom, Inc.
- Manugistics Group, Inc.

Mr. Enright also has a successful track record of obtaining injunctive relief in connection with shareholder M&A litigation, having won preliminary injunctions or other injunctive relief in the cases of:

- ***In re Portec Rail Products, Inc. S'holder Litig.***, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- ***In re Craftmade International, Inc. S'holder Litig.***, C.A. No. 6950-VCL (Del. Ch. 2011)
- ***Dias v. Purches***, C.A. No. 7199-VCG (Del. Ch. 2012)
- ***In re Complete Genomics, Inc. S'holder Litig.***, C.A. No. 7888-VCL (Del. Ch. 2012)
- ***In re Integrated Silicon Solution, Inc. Stockholder Litig.***, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

Mr. Enright has also demonstrated considerable success in obtaining deal price increases for shareholders in M&A litigation. As Co-Lead Counsel in the matter of ***In re Great Wolf Resorts, Inc. Shareholder Litigation***, C.A. No. 7328-VCN (Del. Ch. 2012), Mr. Enright was partially responsible for a \$93 million (57%) increase in merger consideration and waiver of several "don't-ask-don't-waive" standstill agreements that were precluding certain potential bidders from making a topping bid for the company.

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Similarly, Mr. Enright served as Co-Lead Counsel in the case of *Berger v. Life Sciences Research, Inc.*, No. SOM-C-12006-09 (NJ Sup. Ct. 2009), which caused a significant increase in the transaction price from \$7.50 to \$8.50 per share, representing additional consideration for shareholders of approximately \$11.5 million.

And most recently, representing a substantial institutional investor, Mr. Enright served as Co-Lead Counsel in *Minerva Group, LP v. Keane*, Index No. 800621/2013 (NY Sup. Ct. of Erie Cnty.), and obtained a settlement in which Defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share.

The courts have consistently recognized and praised the quality of Mr. Enright's work. In *In re Interbank Funding Corp. Securities Litigation* (D.D.C. 02-1490), Judge Bates of the United States District Court for the District of Columbia observed that Mr. Enright had "...skillfully, efficiently, and zealously represented the class, and... worked relentlessly throughout the course of the case."

Similarly, in *Freeland v. Iridium World Communications*, LTD, (D.D.C. 99-1002), Judge Nanette Laughrey stated that Mr. Enright had done "an outstanding job" in connection with the recovery of \$43.1 million for the shareholder class.

And, in the matter of *Osieczanek v. Thomas Properties Group*, C.A. No. 9029-VCG (Del. Ch. 2013), Vice Chancellor Sam Glasscock of the Chancery Court of Delaware observed that "it's always a pleasure to have counsel [like Mr. Enright] who are articulate and exuberant in presenting their position," and that Mr. Enright's prosecution of a merger case was "wholesome" and served as "a model of . . . plaintiffs' litigation in the merger arena."

Education

- George Washington University School of Law, J.D. (1996), where he was a Member Editor of The George Washington University Journal of International Law and Economics from 1994 to 1996
- Drew University, B.A., Political Science and Economics, *cum laude* (1993)

Admissions

- Maryland (1996)
- New Jersey (1996)
- United States District Court for the District of Maryland (1997)
- United States District Court for the District of New Jersey (1997)
- District of Columbia (1999)
- United States Court of Appeals for the Fourth Circuit (1999)
- United States Court of Appeals for the Fifth Circuit (1999)
- United States District Court for the District of Columbia (1999)
- United States Court of Appeals for the District of Columbia (2004)
- United States Court of Appeals for the Second Circuit (2005)
- United States Court of Appeals for the Third Circuit (2006)
- United States District Court for the District of Colorado (2017)

Publications

- "SEC Enforcement Actions and Investigations in Private and Public Offerings," Securities: Public and Private Offerings, Second Edition, West Publishing 2007

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- “Dura Pharmaceuticals: Loss Causation Redefined or Merely Clarified?” J. Tax’n & Reg. Fin. Inst. September/October 2007, Page 5

Shannon L. Hopkins

Shannon L. Hopkins manages the Firm’s Connecticut office. She was selected in 2013 as a New York “Super Lawyer” by Thomson Reuters. For more than a decade Ms. Hopkins has been prosecuting a wide range of complex class action matters in securities fraud, mergers and acquisitions, and consumer fraud litigation on behalf of individuals and large institutional clients. Ms. Hopkins has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multi-million dollar settlements on behalf of shareholders, including:

- *In re Force Protection, Inc. S’holder Litig.*, C.A. No. A-11-651336-B (D. Nev. 2015), \$11 million shareholder recovery
- *Craig Telke v. New Frontier Media, Inc.*, C.A. No. 1:12-cv-02941-JLK (D. Co. 2015), \$2.25 million shareholder recovery
- *Shona Investments v. Callisto Pharmaceuticals, Inc.*, C.A. No. 652783/2012 (NY Sup. Ct. 2015), shareholder recovery of \$2.5 million and increase in exchange ratio from 0.1700 to 0.1799
- *E-Trade Financial Corp. S’holder Litig.*, No. 07-cv-8538 (S.D.N.Y. 2007), \$79 million recovery for the shareholder class
- *In re Cogent, Inc. S’holder Litig.*, C.A. No. 5780-VCP (Del. Ch. 2010), \$1.9 million shareholder recovery and corrective disclosures relating to the Merger
- *In re CMS Energy Sec. Litig.*, Civil No. 02 CV 72004 (GCS) (E.D. Mich. Sept. 6, 2007), \$200 million recovery
- *In re Sears, Roebuck and Co. Sec. Litig.*, No. 02-cv-07527 (N.D. Ill. Jan. 8, 2007), \$200 million recovery
- *In re El Paso Electric Co. Sec. Litig.*, C.A. No. 3:03-cv-00004-DB (W.D. Tex. Sept. 15, 2005), \$10 million recovery
- *In re Novastar Fin. Sec. Litig.*, 4:04-cv-00330-ODS (W.D. Mo. Apr. 14, 2009), \$7.25 million recovery

The quality of Ms. Hopkin’s work has been noted by courts. In *In re Health Grades, Inc. Shareholder Litigation*, C.A. No. 5716-VCS (Del. Ch. 2010), where Ms. Hopkins was significantly involved with the briefing of the preliminary injunction motion, then Vice Chancellor Strine “applaud[ed]” Co-Lead Counsel for their preparation and the extraordinary high-quality of the briefing.

In addition to her legal practice, Ms. Hopkins is a Certified Public Accountant (1998 Massachusetts). Prior to becoming an attorney, Ms. Hopkins was a senior auditor with PricewaterhouseCoopers LLP, where she led audit engagements for large publicly held companies in a variety of industries.

Education

- Suffolk University Law School, J.D., *magna cum laude* (2003), where she served on the Journal for High Technology and as Vice Magister of the Phi Delta Phi International Honors Fraternity
- Bryant University, B.S.B.A., Accounting and Finance, *cum laude* (1995), where she was elected to the Beta Gamma Sigma Honor Society

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Admissions

- Massachusetts (2003)
- United States District Court for the District of Massachusetts (2004)
- New York (2004)
- United States District Court for the Southern District of New York (2004)
- United States District Court for the Eastern District of New York (2004)
- United States District Court for the District of Colorado (2004)
- United States Court of Appeals for the First Circuit (2008)
- United States Court of Appeals for the Third Circuit (2010)
- Connecticut (2013)

Publications

- "Cybercrime Convention: A Positive Beginning to a Long Road Ahead," 2 J. High Tech. L. 101 (2003)

In appointing the Firm Lead Counsel, the Honorable Gary Allen Feess noted our "significant prior experience in securities litigation and complex class actions."

Zaghian v. THQ, Inc., 2:12-cv-05227-GAF-JEM (C.D. Cal. Sept. 14, 2012)

Nancy A. Kulesa

Nancy A. Kulesa has extensive experience in complex litigation in federal and state courts, including securities litigation, Employee Retirement Income Security Act of 1974 (ERISA) litigation, consumer fraud litigation, mergers and acquisitions cases, and antitrust litigation.

Ms. Kulesa is involved in all of the Firm's practice areas, with a primary focus on securities litigation and institutional investor relations. She directs the Firm's Portfolio Monitoring Services and assists clients in identifying material losses in their securities portfolios caused by corporate wrongdoing. She consults with investors regarding securities litigation, corporate governance, and shareholder rights. She has been involved in numerous securities fraud litigations which have recovered millions of dollars for shareholders, including:

- *In re CIT Group Sec. Litig.*, 1:08-06613 (S.D.N.Y. 2008), \$75 million
- *Klugmann v. American Capital Ltd.*, 09-cv-0005 (D. Md. 2009), \$18 million
- *In re Nuvelo, Inc. Sec. Litig.*, 07-cv-4056 (N.D. Cal. 2007), \$8.9 million
- *Bauer v. Prudential, Inc.*, 09-cv-1120 (JLL) (D.N.J. 2009), \$16.5 million

Prior to joining the Firm, Ms. Kulesa practiced at Iazard Nobel, LLP, where she represented investors in securities class actions and employees under ERISA. Ms. Kulesa has experience in representing corporations seeking antitrust clearance of mergers and acquisitions and has also handled commercial litigation matters and contractual disputes.

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Education

- University of Connecticut School of Law, J.D. (2001)
- Fordham University, B.A., International Politics (1998)

Admissions

- Connecticut (2001)
- United States District Court for the District of Connecticut (2004)
- United States District Court for the Southern District of New York (2015)
- United States Court of Appeals for the Ninth Circuit (2016)

Amy Miller

Amy Miller has represented clients in stockholder derivative law suits, corporate governance litigation, securities class actions, and appraisal proceedings over the last fifteen years. She currently prosecutes these cases on behalf of stockholders seeking accountability from corporate management on issues ranging from breach of fiduciary duties to corporate waste. Ms. Miller has secured significant monetary recoveries and corporate governance reforms on behalf of stockholders, including:

- ***In re Jefferies Group, Inc. Shareholders Litig.***, C.A. No. 8059-CB (Del. Ch. 2015) (\$70 million recovery)
- ***In re News Corp. S'holder Deriv. Litig.***, C.A. No. 6285-VCN (Del. Ch. 2013) (\$139 million recovery and a variety of corporate governance enhancements)
- ***In re ACS S'holder Litig.***, C.A. No. 4940-VCP (Del. Ch. 2010) (\$69 million recovery)

Prior to joining the Firm, Ms. Miller practiced at Cadwalader, Wickersham & Taft LLP for more than seven years before working at two boutique plaintiffs firms in New York. While in law school, Ms. Miller participated in an externship with the Honorable George B. Daniels of the United States District Court for the Southern District of New York.

Education

- New York Law School, J.D., *summa cum laude*, where she served as a Member & Articles Editor on the New York Law School Law Review, and was awarded Merit Based Scholarships from 1997 through 2001 (2001)
- Boston University, B.A., *magna cum laude* (1995)

Admissions

- New York (2002)
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York
- United States Court of Appeals for the Sixth Circuit

Publications

- Co-Author of "Coaches Should Stick to the Sidelines: Why the Federal Rules Should Track Delaware Rules Regarding Conferences Between Deponents and Counsel," used in conjunction with

Practising Law Institute's Corporate Law and Practice Course Handbook Series

Nicholas I. Porritt

Nicholas I. Porritt prosecutes securities class actions, shareholder class actions, derivative actions, and mergers and acquisitions litigation. He has extensive experience representing plaintiffs and defendants in a wide variety of complex commercial litigation, including civil fraud, breach of contract, and professional malpractice, as well as defending SEC investigations and enforcement actions. Mr. Porritt has helped recover hundreds of millions of dollars on behalf of shareholders. He was one of the Lead Counsel in *In re Google Inc. Class C Shareholder Litigation*, C.A. No. 7469-CS (Del. Ch. 2012) that resulted in a payment of \$522 million to shareholders and overall benefit of over \$3 billion to Google's minority shareholders. He was one of the lead counsel in *Chen v. Howard-Anderson*, No. 5878-VCL (Del. Ch. Jan. 24, 2011) that settled during trial resulting in a \$35 million payment to the former shareholders of Occam Networks, Inc., one of the largest quasi-appraisal recoveries for shareholders. Some of Mr. Porritt's cases include:

- *Zaghian v. Farrell*, 675 Fed. Appx. 718, (9th Cir. 2017)
- *SEC v. Cuban*, 620 F.3d 551 (5th Cir. 2010)
- *Cozzarelli v. Inspire Pharmaceuticals, Inc.*, 549 F.3d 618 (4th Cir. 2008)
- *Teachers' Retirement System of Louisiana v. Hunter*, 477 F.3d 162 (4th Cir. 2007)
- *In re PTC Therapeutics Sec. Litig.*, 2017 WL 3705801 (D.N.J. Aug. 28, 2017)
- *Gormley v. magicJack VocalTec Ltd.*, 220 F. Supp. 3d 510 (S.D.N.Y. 2016)
- *Carlton v. Cannon*, 184 F. Supp. 3d 428 (S.D. Tex. 2016)
- *Zola v. TD Ameritrade, Inc.*, 172 F. Supp. 3d 1055 (D. Neb. 2016)
- *In re Energy Recovery Sec. Litig.*, 2016 WL 324150 (N.D. Cal. Jan. 27, 2016)
- *In re EZCorp Inc. Consulting Agreement Deriv. Litig.*, 2016 WL 301245 (Del. Ch. Jan. 25, 2016)
- *In re Violin Memory Sec. Litig.*, 2014 WL 5525946 (N.D. Cal. Oct. 31, 2014)
- *Garnitschnig v. Horovitz*, 48 F. Supp. 3d 820 (D. Md. 2014)

Mr. Porritt speaks frequently on current topics relating to securities laws and derivative actions, including presentations on behalf of the Council for Institutional Investors, Nasdaq, and the Practising Law Institute. He currently serves as co-chair of the American Bar Association Sub-Committee on Derivative Actions.

Before joining the Firm, Mr. Porritt practiced as a partner at Akin Gump Strauss Hauer & Feld LLP and prior to that was a partner at Wilson Sonsini Goodrich & Rosati PC.

Education

- University of Chicago Law School, J.D., With Honors (1996)
- University of Chicago Law School, LL.M. (1993)
- Victoria University of Wellington, LL.B. (Hons.), With First Class Honors, Senior Scholarship (1990)

Admissions

- New York (1997)
- District of Columbia (1998)
- United States District Court for the District of Columbia (1999)
- United States District Court for the Southern District of New York (2004)

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- United States Court of Appeals for the Fourth Circuit (2004)
- United States Court of Appeals for the District of Columbia Circuit (2006)
- United States Supreme Court (2006)
- United States District Court for the District of Maryland (2007)
- United States District Court for the Eastern District of New York (2012)
- United States Court of Appeals for the Second Circuit (2014)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States Court of Appeals for the Eleventh Circuit (2017)

Publications

- "Current Trends in Securities Litigation: How Companies and Counsel Should Respond," *Inside the Minds Recent Developments in Securities Law* (Aspatore Press 2010)

Rosemary M. Rivas

Rosemary M. Rivas is a partner in Levi & Korsinsky's San Francisco office. She has dedicated her legal career to representing consumers in complex, class action litigation involving false advertising and defective product claims. Most recently, in a highly competitive application process, Judge Charles R. Breyer appointed Ms. Rivas to the Plaintiffs' Steering Committee in *In re: Volkswagen "Clean Diesel" MDL*, Case No. 15-MDL-2672-CRB (JSC), which has resulted in unprecedented settlements exceeding \$14 billion dollars.

Ms. Rivas has served in a leadership role in a number of cases, including:

- *Lima v. Gateway*, Case No. SACV-09-1366 (C.D. Cal.), Co-Lead Class Counsel in nationwide class action involving defective monitor; achieved \$195 refund for each monitor purchased
- *Pappas v. Naked Juice*, Case No. 2:11-cv-08276 (C.D. Cal.), Co-Lead Class Counsel; achieved \$9 million settlement and changes to the company's testing procedures and product labels
- *Garcia v. Allergan, Inc.*, Case No. 09-cv-7088 PSG (Ex) (C.D. Cal.), Co-Lead Class Counsel; achieved \$7.75 million settlement and changes to the company's training procedures

She has also been instrumental in obtaining favorable appellate decisions on behalf of consumers in the areas of false advertising, federal preemption, and arbitration, such as:

- *Lilly v. ConAgra Foods, Inc.*, 743 F.3d 662 (9th Cir. 2014)
- *In re Sony PS3 "Other OS" Litig.*, 551 Fed. App. 916 (9th Cir. 2014)
- *Probst v. Superior Court (Health Net of California)*, 2012 Cal. LEXIS 4476 (Ct. Appeal, 1st Dist., May 9, 2012)

Ms. Rivas was a recipient of the 2018 California Lawyer of the Year (CLAY) Award. The CLAY awards are given annually to outstanding California practitioners "whose extraordinary work and cases had a major impact on the law." From 2009-2011, Ms. Rivas was selected as a Rising Star by Law & Politics Magazine, which recognizes the best lawyers 40 years old or under or in practice for ten years or less. In 2015, Bay Area

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Legal Aid presented her with the Guardian of Justice award, for her work achievements in the law and her role in helping direct cy pres funds to ensure equal access to the civil justice system.

Ms. Rivas has presented at a number of speaking engagements, including: Section 17200: The Fertility of Man's Invention, 2016 (The Bar Association of San Francisco); Data Privacy Law 101: U.S. Data Privacy and Security Laws 2015 (The Bar Association of San Francisco); Food Labeling and False Advertising Class Actions, 2015 (The Bar Association of San Francisco); and Class Actions: New Developments & Approaches for Strategic Response, 2013 (American Bar Association).

Previously, Ms. Rivas served as a Board Member and Diversity Director of the Barristers Club of the San Francisco Bar Association. Ms. Rivas is fluent in Spanish.

Education

- University of California, Hastings College of Law, J.D. (2000)
- San Francisco State University, B.A., Political Science (1997)

Admissions

- United States Court of Appeals for the Ninth Circuit (2001)
- United States District Court for the Northern District of California (2001)
- United States District Court for the Central District of California (2002)
- United States District Court for the Eastern District of California (2005)
- United States District Court for the Southern District of California (2005)

Then Vice Chancellor Leo E. Strine, Jr. praised the Firms' "exceedingly measured and logical" argument

Forgo v. Health Grades, Inc., C.A. No. 5716-VCS (Del. Ch. Sept. 3, 2010)

Elizabeth K. Tripodi

Elizabeth K. Tripodi focuses her practice on shareholder M&A litigation, representing shareholders of public companies impacted by mergers, acquisitions, tender offers, and other change-in-control transactions. Ms. Tripodi has been named as a Washington, DC "Super Lawyer" and was selected as a "Rising Star" by Thomson Reuters for several consecutive years.

Ms. Tripodi has played a lead role in obtaining monetary *recoveries* for shareholders in M&A litigation:

- *In re Bluegreen Corp. S'holder Litig.*, Case No. 502011CA018111 (Circuit Ct. for Palm Beach Cty., FL), creation of a \$36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders
- *In re Cybex International S'holder Litig.*, Index No. 653794/2012 (N.Y. Sup. Ct. 2014), recovery of \$1.8 million common fund, which represented an 8% increase in stockholder consideration in connection with management-led cash-out merger

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- *In re Great Wolf Resorts, Inc. S'holder Litig.*, C.A. No. 7328-VCN (Del. Ch. 2012), where there was a \$93 million (57%) increase in merger consideration
- *Minerva Group, LP v. Keane*, Index No. 800621/2013 (N.Y. Sup. Ct. 2013), settlement in which Defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share

Ms. Tripodi has played a key role in obtaining injunctive relief while representing shareholders in connection with M&A litigation, including obtaining preliminary injunctions or other injunctive relief in the following actions:

- *In re Portec Rail Products, Inc. S'holder Litig.*, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- *In re Craftmade International, Inc. S'holder Litig.*, C.A. No. 6950-VCL (Del. Ch. 2011)
- *Dias v. Purches*, C.A. No. 7199-VCG (Del. Ch. 2012)
- *In re Complete Genomics, Inc. S'holder Litig.*, C.A. No. 7888-VCL (Del. Ch. 2012)
- *In re Integrated Silicon Solution, Inc. Stockholder Litig.*, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

Prior to joining Levi & Korsinsky, Ms. Tripodi was a member of the litigation team that served as Lead Counsel in, and was responsible for, the successful prosecution of numerous class actions, including: *Rudolph v. UTStarcom* (stock option backdating litigation obtaining a \$9.5 million settlement); *Grecian v. Meade Instruments* (stock option backdating litigation obtaining a \$3.5 million settlement).

Education

- American University Washington College of Law, *cum laude* (2006), where she served as Editor in Chief of the Business Law Brief, was a member of the National Environmental Moot Court team, and interned for Environmental Enforcement Section at the Department of Justice
- Davidson College, B.A., Art History (2000)

Admissions

- Virginia (2006)
- District of Columbia (2008)
- United States District Court for the Eastern District of Virginia (2006)
- United States District Court for the District of Columbia (2010)

Associates

Stephanie A. Bartone

Stephanie A. Bartone practices in all areas of the firm, with a focus on consumer class action litigation. Prior to joining the firm, Ms. Bartone worked for the Connecticut Judicial System where she assisted State court judges in civil and family matters. Ms. Bartone also previously worked for a firm specializing in civil litigation and criminal defense at the state and federal level.

Education

- The University of Connecticut School of Law, J.D. (2012), where she served as Symposium Editor of the Connecticut Law Review

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- University of New Hampshire, B.A., Psychology and Justice Studies, *summa cum laude* (2008)

Admissions

- Connecticut (2012)
- Massachusetts (2012)
- United States District Court for the District of Colorado (2013)
- United States District Court for the District of Connecticut (2015)
- United States District Court for the District of Massachusetts (2016)

Jordan A. Cafritz

Jordan Cafritz is an Associate with the Firm's Washington, D.C. office. While attending law school at American University he was an active member of the American University Business Law Review and worked as a Rule 16 attorney in the Criminal Justice Defense Clinic. After graduating from law school, Mr. Cafritz clerked for the Honorable Paul W. Grimm in the U.S. District Court for the District of Maryland.

Education

- American University Washington College of Law, J.D. (2014)
- University of Wisconsin-Madison, B.A., Economics & History (2010)

Admissions

- Maryland (2014)
- Admission to DC Bar pending—*practice in the District of Columbia authorized only under Rule 49(c)(3)*

Cecille B. Cargill

Cecille B. Cargill manages the Firm's client development services. She advises shareholders of their rights related to securities litigation, complex class actions, and shareholder and derivative litigation, and also responds to shareholder inquiries pertaining to the Firm and specific cases.

Education

- Boston University School of Law, J.D. (1994)
- State University at Buffalo, B.A., History & Legal Studies (1990)

Admissions

- Massachusetts (1995)

John A. Carriel

John A. Carriel is an Associate with the Firm in the Washington, D.C. office, where he focuses his practice on financial litigation, including class action litigation relating to corporate governance, securities, cryptocurrencies, and initial coin offerings. During law school, he interned for the Enforcement and Investment Management Divisions of the Securities and Exchange Commission and the Legal Division of the

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Consumer Financial Protection Bureau. In addition, he worked as a summer associate for a midsize business law firm in New York.

Education

- The George Washington University Law School, J.D., With Honors (2017)
- Universidad Pontificia Comillas (ICADE), LL.M., International and European Business Law, With Honors (2015)
- Drew University, B.A., Business Studies (2013)

Admissions

- District of Columbia (2017)
- United States District Court for the District of Colorado (2018)

Publications

- "M-U-N-I: Evidencing the Inadequacies of the Municipal Securities Regulatory Framework," 1 BUS. ENTREPRENEURSHIP & TAX L. REV. 528 (2017).

Andrea Clisura

Andrea Clisura focuses her practice on prosecuting consumer class actions. Prior to joining Levi & Korsinsky, she was an associate at a boutique law firm in New York specializing in class action litigation. While attending Brooklyn Law School, Ms. Clisura served as an Associate Managing Editor of the Journal of Law and Policy and was a member of the Moot Court Honor Society, Appellate Advocacy Division. Her note, "None of Their Business: The Need for Another Alternative to New York's Bail Bond Business," was published in Brooklyn Law School's Journal of Law and Policy.

Ms. Clisura also gained experience in law school as an intern to the Honorable David G. Trager of the U.S. District Court for the Eastern District of New York and as a summer law intern with the U.S. Department of Justice, Antitrust Division, and a New York Legal Services office engaged in foreclosure defense.

Education

- Brooklyn Law School, J.D., *magna cum laude* (2011)
- New York University, B.A., *magna cum laude* (2005)

Admissions

- New Jersey (2011)
- New York (2012)
- United States District Court for the District of New Jersey (2012)
- United States District Court for the Eastern District of New York (2012)
- United States District Court for the Southern District of New York (2012)

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William J. Fields

William J. Fields is a member of the New York City Bar Association and serves on the New York City Affairs Committee. Before joining the Firm, Mr. Fields was a Law Clerk in the Second Circuit Court of Appeals – Staff Attorney’s Office.

Education

- Cornell Law School, J.D. (2011)
- University of Connecticut, B.A., *cum laude* (2008)

Admissions

- New York (2012)
- United States District Court for the Eastern District of Michigan (2016)

Vice Chancellor Sam Glasscock, III said “it’s always a pleasure to have counsel who are articulate and exuberant...” and referred to our approach to merger litigation as “wholesome” and “a model of... plaintiffs’ litigation in the merger arena.”

Ocieczanek v. Thomas Properties Group, C.A. No. 9029-VCG (Del. Ch. May 15, 2014)

James Grohsgal

James Grohsgal is an Associate in the Connecticut office. He represents shareholders in federal securities fraud litigation and has nearly a decade of experience representing clients in securities fraud and shareholder derivative cases.

Prior to joining the firm, Mr. Grohsgal was an associate at the New York offices of Skadden, Arps, Slate, Meagher & Flom LLP and then at Orrick, Herrington, & Sutcliffe LLP, where he represented publicly traded companies, investment banks, mortgage loan originators, and financial services firms in federal and state securities litigation, shareholder derivative suits, and SEC enforcement matters. He also represented Fortune 500 companies and sovereign states in commercial, investment, and intellectual property litigation and international arbitration.

Education

- McGill University Faculty of Law, LL.B. and B.C.L., great distinction, where he served as Case Comments Editor on the McGill Law Journal (2008)
- McGill University, B.A., Political Science, Honors (2004)

Admissions

- New York (2009)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Eastern District of New York (2010)

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- United States Court of Appeals for the District of Columbia (2016)
- Not admitted to practice in Connecticut; practice limited to federal law

Michelle Gruesbeck

Michelle Gruesbeck practices in the Washington, D.C. office, focusing on securities class actions and stockholder derivative suits. While attending law school, Ms. Gruesbeck gained experience as an intern at the Securities and Exchange Commission in the Office of Compliance Inspections Examinations, the Division of Enforcement, the Division of International Corporation Finance, and the Division of Corporation Finance (AD 5). She also served as an editor of the *Journal of Land and Development* and was a member of the Stetson International Environmental Moot Court Team.

Education

- Georgetown University Law Center, LL.M., Securities and Financial Regulation (2015)
- University of Baltimore School of Law, J.D., *cum laude* (2013)
- Purdue University, B.A., Biology (2003)

Admissions

- Maryland (2013)
- United States District Court for the District of Colorado (2018)

Zare Khoroizian

Zare Khoroizian is an Associate in the New York office. While attending New York Law School, he served as Staff Editor for the New York Law School Law Review and as a Research Fellow for the Center for Business and Financial Law.

Education

- New York Law School, J.D., *cum laude* (2017)
- Montclair State University, B.A., Political Science (2014)

Admissions

- New Jersey
- New York (admission pending)

Alexander Krot

Education

- The George Washington University, B.B.A., Finance and International Business (2003)
- American University Washington College of Law, J.D. (2010)
- Georgetown University Law Center, LL.M., Securities and Financial Regulation, With Distinction (2011)
- American University, Kogod School of Business, M.B.A. (2012)

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Admissions

- Maryland (2011)
- District of Columbia (2014)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States District Court for the Eastern District of Wisconsin (2017)

Christopher J. Kupka

Christopher J. Kupka represents victims of wrongdoing in employment, consumer, and securities class actions and stockholder derivative suits. In law school, Mr. Kupka was awarded the M.H. Goldstein Memorial Prize for excellence in labor law. Mr. Kupka was also the recipient of an Edward V. Sparer Public Interest Fellowship.

Education

- University of Pennsylvania Law School, J.D. (2010), where he served as an editor of the Journal of International Law
- Cornell University, A.B. (2007)

Admissions

- New York (2011)
- United States District Courts for the Southern District of New York (2012)
- United States District Courts for the Eastern District of New York (2012)
- Illinois (2013)
- United States District Courts for the Northern District of Illinois (2014)

Publications

- "Remediation of Unfair Labor Practices and the EFCA: Justifications, Criticisms, and Alternatives," 38 Rutgers L. Rec. 197 (May 2011)
- Co-author of "Turning Tides For Employee Arbitration Agreements" as featured on Law360.com (October 2016)

Jonathan Lindenfeld

Jonathan Lindenfeld is an Associate with the Firm in the New York office. Mr. Lindenfeld's practice focuses on securities class actions and stockholder derivative suits. While attending law school, Mr. Lindenfeld gained experience as an intern at the U.S. Attorney's Office in the Eastern District of New York and a boutique law firm specializing in derivatives and forex exchanges. Mr. Lindenfeld also served as an editor of the Hofstra Journal of International Business and Law.

Education

- Hofstra University School of Law, J.D., *cum laude*, where he received Honors in Business Law, and was awarded Merit Based Scholarships from 2012 through 2015 (2015)

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- City University of New York-Queens College, B.A., Economics (2012)

Admissions

- New Jersey (2015)
- New York (2016)
- United States District Court for the Southern District of New York (2016)

Publications

- The CFTC's Substituted Compliance Approach: An Attempt to Bring About Global Harmony and Stability in the Derivatives Market, 14 J. INT'L BUS. & L. 125 (2015)

Courtney E. Maccarone

Courtney E. Maccarone focuses her practice on prosecuting consumer class actions. Prior to joining Levi & Korsinsky, Ms. Maccarone was an associate at a boutique firm in New York specializing in class action litigation. While attending Brooklyn Law School, Ms. Maccarone served as the Executive Symposium Editor of the *Brooklyn Journal of International Law* and was a member of the Moot Court Honor Society. Her note, "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights" was published in the Spring 2011 edition of the *Brooklyn Journal of International Law*.

Ms. Maccarone also gained experience in law school as an intern to the Honorable Martin Glenn of the Southern District of New York Bankruptcy Court and as a law clerk at a New York City-based class action firm. Ms. Maccarone was selected as a New York Super Lawyers "Rising Star" in 2014, 2015, 2016 and 2017.

Education

- Brooklyn Law School, J.D., *magna cum laude* (2011), where she served as the Executive Symposium Editor of the *Brooklyn Journal of International Law* and was a member of the Moot Court Honor Society
- New York University, B.A., *magna cum laude* (2008)

Admissions

- New Jersey (2011)
- New York (2012)
- United States District Court for the District of New Jersey (2012)
- United States District Court for the Eastern District of New York (2012)
- United States District Court for the Southern District of New York (2012)

Publications

- "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights," published in the Spring 2011 edition of the *Brooklyn Journal of International Law*

Adam C. McCall

Adam C. McCall is an Associate with the Firm. Prior to joining Levi & Korsinsky, Mr. McCall was a Summer Analyst at Moelis & Company and an intern at Fortress Investment Group. While attending the Georgetown

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University Law Center, he was an extern at the Securities and Exchange Commission's Division of Corporate Finance.

Education

- Georgetown University Law Center, LL.M., Securities and Financial Regulation (2015)
- California Western School of Law, J.D., *cum laude* (2013)
- Santa Clara University, Certificate of Advanced Accounting Proficiency (2010)
- University of Southern California, B.A., Economics (2008)

Admissions

- California (2014)
- United States District Court for the Central District of California (2015)
- United States District Court for the Eastern District of California (2015)
- United States District Court for the Northern District of California (2015)
- United States District Court for the Southern District of California (2015)
- United States Court of Appeals for the Ninth Circuit (2016)
- District of Columbia (2017)

Gregory M. Potrepka

Gregory M. Potrepka is an Associate in Levi & Korsinsky's Connecticut office. Mr. Potrepka is an experienced lawyer having litigated cases in State, Federal, and Tribal courts, at both the trial and appellate levels. While in law school, Mr. Potrepka clerked in the Civil Division of the United States Attorney's Office for the District of Columbia.

Education

- University of Connecticut School of Law, J.D. (2015)
- University of Connecticut Department of Public Policy, M.P.A. (2015)
- University of Connecticut, B.A., Political Science (2010)

Admissions

- Connecticut (2015)
- Mashantucket Pequot Tribal Court (2015)
- United States District Court for the District of Connecticut (2016)

Quentin A. Roberts

Quentin A. Roberts is an Associate in Levi & Korsinsky's San Francisco office. While attending law school, Mr. Roberts was a member of the Law Review and worked on class action litigation as a law clerk. Mr. Roberts concentrates on litigating class action matters, particularly those involving consumer fraud. He has worked on a number of high-profile cases, such as *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, & Prods. Liab. Litig.*, No. 15-md-2672 (N.D. Cal.), pending in the Northern District of California.

Education

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- University of San Francisco School of Law, J.D., *magna cum laude* (2015)
- University of California, San Diego, B.A., Economics (2010)

Admissions

- California (2015)
- United States District Court for the Northern District of California (2016)
- United States District Court for the Central District of California (2017)

Andrew Rocco

Andrew Rocco is an Associate with the Firm in the Connecticut office. As a law student, he interned for the Office of the Attorney General for the State of Connecticut in the Employment Rights Department, and served as the Editor-in-Chief of the Quinnipiac Probate Law Journal.

Education

- Quinnipiac University School of Law, J.D., *summa cum laude* (2017)
- Champlain College, B.A., Legal Studies, *summa cum laude* (2014)

Admissions

- Connecticut

Samir Shukurov

Mr. Shukurov is an associate in Levi & Korsinsky's New York office and represents shareholders in complex corporate litigation, corporate governance and securities matters in state and federal courts nationwide. Mr. Shukurov also has corporate experience representing clients in various exempted securities offerings and 1934 Securities Exchange Act reporting matters. Previously, Mr. Shukurov worked in the General Counsel's office of Ernst & Young in his home country of Azerbaijan.

Education

- Boston University School of Law, LL.M., Outstanding Achievement Award (2015)
- Baku State University, LL.M., Civil Law, With Honors (2012)
- Baku State University, LL.B. (2009)

Admissions

- Massachusetts (2015)
- New York (2016)
- United States District Court for the Southern District of New York (2016)

Brian Stewart

Brian Stewart is an Associate with the Firm practicing in the Washington, D.C. office. Prior to joining the firm, Mr. Stewart was an associate at a small litigation firm in Washington D.C. and a regulatory analyst at the

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Financial Industry Regulatory Authority (FINRA). During law school, he interned for the Enforcement Divisions of the SEC and CFPB.

Education

- American University Washington College of Law, J.D. (2012)
- University of Washington, B.S., Economics and Mathematics (2008)

Admissions

- Maryland (2012)
- District of Columbia (2014)

Sebastian Tornatore

Sebastian Tornatore is an Associate in the Connecticut office where he focuses on representing shareholders in federal securities actions. While at the University of Connecticut School of Law, Mr. Tornatore served as an Executive Editor of the *Connecticut Law Review* and as a member of the Connecticut Moot Court Board. Prior to joining the Firm, Mr. Tornatore worked for the Connecticut Judicial System, where he gained significant experience assisting various state judges.

Education

- The University of Connecticut School of Law, J.D. (2012)
- Boston College, B.A., Political Science (2008)

Admissions

- Massachusetts (2012)
- Connecticut (2012)
- New York (2014)
- United States District Court for the District of Connecticut (2014)
- United States District Court for the Southern District of New York (2016)
- United States District Court for the District of Massachusetts (2016)

Staff Attorneys**Silpa Rao**

Silpa Rao works as a Staff Attorney in the Connecticut office. Prior to joining the firm, Ms. Rao worked with the Connecticut Judicial Branch in Danbury, where she assisted state court judges in civil jury trials and other courtroom matters on the civil and family docket. While at the University of Connecticut School of Law, Ms. Rao served as a Competition Editor for the Connecticut Public Interest Law Journal and President of the South Asian Law Students Association. She also completed an Honors Law Clerk externship with the Environmental Protection Agency while studying for a semester in Washington, D.C.

Education

- University of Connecticut School of Law, J.D., Certificate in Environmental Law (2013)
- New York University, B.A., Environmental Studies (2009)

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Admissions

- Massachusetts (2014)
- New York (2017)

Michelle Thompson

Michelle Thompson is a Staff Attorney in the New York office. Mrs. Thompson has corporate experience in the U.S. as well as in Brazil.

Education

- The University of Texas School of Law, L.L.M. (2015)
- Universidade Gama Filho, Brazil, Post-graduate law degree (2009)
- Pontifícia Universidade Católica de Goiás, Brazil, L.L.B. (2005)
- Universidade Federal de Goiás, Brazil, B.A., Communications (2003)

Admissions

- Brazil (2006)
- Texas (2015)

EXHIBIT 4



Florida (954) 516-6000
Maryland (240) 516-6000
Washington, D.C. (202) 852-6000

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Cutting-Edge Representation:

\$44 Million in Bitcoins Ordered Returned to Investors

\$11 Million Judgment Against Cryptocurrency Exchange

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A SECURITIES FRAUD AND INVESTMENT LOSS CONTINGENCY-FEE LAW FIRM

Investment Fraud

Digital Investments
(Cryptocurrency)

Business Litigation

FIRM RESUME

Silver Miller is a boutique of litigators and trial lawyers committed to representing aggrieved clients in business disputes including investment fraud and consumer class action cases. We accept each of our cases on a contingency-fee basis; and for any case in which we are not successful in obtaining a recovery, we do not get paid a fee. Through aggressive litigation strategies, critical analyses of the facts and law applicable to each case, and exemplary legal writing, we represent our clients' interests as if they were our own. Anything less is not acceptable to us, nor should it be acceptable to our clients. We can proudly state that our lawyers have had many tremendous successes assisting clients recover funds and property wrongfully taken from them, including judgments and recoveries valued at more than \$100 Million in the past five years alone. For our efforts, our attorneys have received accolades of the highest order in the legal profession. We've been featured in newspapers, and magazines and on television.

FOUNDING PARTNERS

David C. Silver, Esq.

David C. Silver is a founding Partner of Silver Miller and is focused exclusively on representing aggrieved investors and cryptocurrency users worldwide who seek to recover their financial losses.

David is a Martindale Hubbell Preeminent “AV”-rated attorney (generally recognized as the highest rating given in the legal industry for general ethical standards and legal ability), and he tirelessly fights for his clients, having achieved victories totaling greater than \$100 million in the last few years alone. For his efforts, David has been inducted into the Multi-Million Dollar Advocates Forum, an honor limited to attorneys who have won multimillion-dollar verdicts and settlements, which includes fewer than one percent of lawyers in the United States.

On behalf of the Federal Deposit Insurance Corporation (FDIC), David has led multiple investigations into wrongdoing by officers and directors of several closed financial institutions as well as investigations into D&O insurance carriers, fidelity bond carriers, attorneys, accountants/auditors, real estate appraisers, and brokerage professionals as they related to the downfall of certain closed financial institutions.

David is also quickly becoming recognized as one of the leading lawyers in America representing victims of crooked and abusive cryptocurrency exchanges, helping investors who have been exploited after investing in digital assets such as Bitcoin, Ether, and Litecoin. In 2015, David was named lead Class Counsel in the litigation against now-defunct cryptocurrency exchange Cryptsy, where he led the effort in recovering for the Court-certified class of Cryptsy customers settlements and judgments valued in excess of \$40 million. With additional class action lawsuits pending against Coinbase, Kraken, BitConnect and other cryptocurrency exchanges, David is continuing his fight for individuals aggrieved by exploited members of the cryptocurrency community.

Along with being an active litigator in the cryptocurrency community, David is also very active in his own local community, as he serves as Vice-President on the Board of Directors of one of the largest housing communities in South Florida and on the Board of Directors of the Jewish Federation of Broward County as well as the Federation’s National Young Leadership Cabinet.

Professional Experience

David began his legal career at Wicker Smith O’Hara McCoy Graham & Ford, a large Florida-based law firm. In April 2004, David joined the international law firm of Patton Boggs LLP (now Squire Patton Boggs LLP) in Washington, D.C., where his practice as a trial lawyer involved all aspects of civil litigation, including noteworthy pro bono work. In 2010, David left Patton Boggs LLP and returned to Florida. He was a Partner at Blum & Silver, LLP and Silver Law Group until he and Jason Miller founded Silver Miller.

Bar Admissions

Florida, 2002, District of Columbia, 2004, U.S. District Court, Middle District of Florida, 2004, U.S. District Court, Eastern District of Michigan, 2008, U.S. District Court, District of Columbia, 2008 U.S. District Court, Southern District of Florida, 2012 U.S. District Court, District of Colorado,

2012 U.S. District Court, Eastern District of Texas, 2014 U.S. Court of Appeals, Eleventh Circuit, 2017.

Education

David Silver attended the University of Michigan for his undergraduate studies and the University of Miami School of Law for his juris doctorate.

Jason S. Miller

Jason S. Miller is a founding Partner of Silver Miller and concentrates his practice on representing victims of financial fraud and digital currency users who seek to recover their financial losses. Jason — who has received a Martindale Hubbell Preeminent “AV” rating (generally recognized as the highest rating given in the legal industry for general ethical standards and legal ability) — is an accomplished writer and has spent more than two decades putting on paper the words that persuasively, powerfully, and entertainingly advocate his clients’ positions; and his legal prose has helped successfully resolve many cases at an early stage of litigation.

Over his 20+ year legal career, Jason has worked on commercial and financial fraud matters representing aggrieved clients ranging from individuals to large, multinational corporations in many different forums (state court, federal court, trial and appellate levels, arbitrations/mediations, etc.). Jason has also represented several high-profile sports figures, sporting goods manufacturers, and professional athletes in a variety of legal matters during his career. Using creativity, keen analytical skills, and a thorough attention to the details of each case and the needs of each client, Jason has successfully litigated hundreds of commercial disputes to his clients’ satisfaction.

Among the more notable victories Jason has helped garner for his clients are a landmark ruling in Florida concerning Florida's Deceptive and Unfair Trade Practices Act, large judgments against wayward cryptocurrency exchanges Bitcoin Savings and Trust and Cryptsy, and enforcement of a \$1.4 million judgment against a debtor who sought to evade its debt through a fraudulent transfer. In addition, Jason has served as outside counsel to the Federal Deposit Insurance Corporation (FDIC), conducting multiple investigations into wrongdoing by officers and directors, attorneys, accountants/auditors, and real estate appraisers as they related to the downfall of certain closed financial institutions.

Professional Experience

Upon graduating from law school, Jason worked for The Honorable Robbie M. Barr in Miami, FL. Following his employment with Judge Barr, Jason worked for a series of highly regarded law firms in Miami, focusing his practice at each firm on complex commercial litigation. Early in his career, Jason spent several years working with a team of attorneys representing the Successor Trustee of Southeast Banking Corporation — sister entity to Southeast Bank, N.A., the largest bank in the State of Florida at the time of its demise in 1991 — in liquidating the bank’s assets and administering the claims being prosecuted by the bank’s estate against the bank’s former directors and officers, accountants, and law firms. Ultimately, more than \$470 Million was recovered and distributed to the bank’s creditors, which covered 100 percent of the creditors’ claims plus \$63 Million in post-petition interest. In 2011, Jason became a Partner at Silver Law Group, where he worked until

he and David Silver founded Silver Miller continuing their mission to turn around financial fraud victims' misfortune.

Bar Admissions

Florida Bar, 1995, United States Court of Appeals, Eleventh Circuit, 1998, U.S. District Court, Southern District of Florida, 1998, U.S. District Court, Northern District of Florida, 1998, U.S. District Court, Middle District of Florida, 2003.

Education

Jason Miller attended Emory University for his undergraduate studies and the University of Miami School of Law for his juris doctorate.

UNIQUE PRACTICE AREA – CRYPTOCURRENCY LITIGATION

Silver Miller is at the forefront of this cutting-edge field of law, having represented hundreds of cryptocurrency users deceived and abused by cryptocurrency exchange operators in a variety of legal disputes. We have prosecuted individual and class action claims against Bitcoin Savings and Trust, Cryptsy, Coinbase, Kraken, and other leading cryptocurrency exchanges; and for our clients, we have achieved historic results.

Cryptocurrency — such as Bitcoin, Ether, Litecoin, and Ripple — is a digital, virtual form of currency that may be traded on online exchanges for conventional currencies, including the U.S. Dollar, or used to purchase goods and services online. The popularity and acceptance of cryptocurrency has increased dramatically since its introduction about a decade ago; however, because cryptocurrency has no single administrator or central authority or repository, its volatility and lack of external regulation and oversight has left many of its users in perilous situations fraught with fraud and abuse.

When Bitcoin Savings and Trust and its founder/operator, Trendon Shavers, were found to have operated a Ponzi scheme that lured in unsuspecting cryptocurrency users, we prosecuted claims on behalf of some of those victims. Within months of commencing our action, we had secured a judgment against Bitcoin Savings and Trust and Mr. Shavers that exceeded \$11.2 Million.

Likewise, when Cryptsy — the largest U.S.-based cryptocurrency exchange at the time — abruptly shuttered its operations in early-2016 and its founder, Paul Vernon, fled to China with approximately \$8.2 Million in cryptocurrency stolen from Cryptsy customers, we prosecuted claims on behalf of the victimized customers of the exchange. Through our efforts, we were able to secure against Cryptsy, Mr. Vernon, and those that aided and abetted their theft, judgments and settlements exceeding \$10 Million. In addition, we obtained a first-of-its-kind ruling in which a federal judge ordered that 11,325 Bitcoin stolen from Cryptsy users — assets valued as high as \$50 Million — be returned to those users as a matter of law.

Silver Miller is currently prosecuting class action claims against Coinbase and BitConnect— two of the largest cryptocurrency exchanges used by investors in the United States — and are investigating legal claims against

additional exchanges as well to help those cryptocurrency users whose assets and trust have been wrongfully taken from them.

Silver Miller is likewise prosecuting a \$100 Million group arbitration claim against Kraken -- one of the most popular U.S.-based exchanges -- for issues arising from Kraken's platform failures and inadequate security measures.

In addition, Silver Miller has represented, and is currently representing, crypto investors in class action lawsuits against Initial Coin Offering (ICO) promoters Tezos, Monkey Capital, and Giga Watt. In those suits, we represent aggrieved investors who believe they were led astray by misleading or outright false inducements used to secure their cryptocurrency investments. Moreover, we have alleged in each of those suits that the pre-functional tokens offered by the issuers were, by definition, "securities" that had to be -- but were not -- registered with the appropriate securities regulators. Unregistered and fraudulently-offered securities are a serious threat to investors, and we fight tirelessly to protect investors harmed by such dangerous offerings.

REPRESENTATIVE MATTERS – CRYPTOCURRENCY RELATED

Liquid Bits v. Bitcoin Savings and Trust and Trendon Shavers

U.S. Dist. Ct. - Southern District of Florida - Case No. 14-cv-61771

- Obtained \$11,264,457.00 Final Judgment for investors in one of the earliest Bitcoin Ponzi schemes.

Leidel, et al. v. Project Investors, Inc. d/b/a Cryptsy, et al.

U.S. Dist. Ct. - Southern District of Florida - Case No. 9:16-cv-80060-KAM

- Successfully represented class of victims against Florida-based cryptocurrency exchange, its founder/CEO, and related parties responsible for theft of over \$8,300,000.00 of stolen Bitcoin.
- Received \$60 Million judgment
- Our attorneys also obtained in this case a historic ruling in which the Court ordered the judgment debtor to return to the victims over 11,300 Bitcoin — presently valued at over \$100 Million.

Bonow v. Project Investors, Inc. d/b/a Cryptsy and Paul Vernon

Palm Beach County [FL] Circuit Court - Case No. 2014-CA-012896 Division AG

- Negotiated favorable resolution for client in lawsuit against Florida-based cryptocurrency exchange and its founder/CEO alleging securities fraud, deceptive and unfair trade practices, and theft of personal property.

Leidel, et al. v. Coinbase, Inc.

U.S. Dist. Ct. - Southern District of Florida - Case No. 9:16-cv-81992

- Pending litigation against U.S.-based cryptocurrency exchange
- Representing class of victims alleging that the exchange's lack of security protocols facilitated laundering of over \$8,300,000.00 of Bitcoin stolen from class.

Wildes, et al. v. BitConnect International PLC, et al.

U.S. Dist. Ct. - Southern District of Florida - Case No. 9-18-cv-80086

- Pending litigation against U.K.-based cryptocurrency exchange with extensive worldwide presence, including United States
- Representing class of victims in \$2.5 Billion Ponzi scheme alleging securities fraud, unregistered sale of securities, conversion, and civil conspiracy between exchange and its army of social media promoters

[Confidential] v. Payward, Inc. d/b/a Kraken

JAMS Arbitration - Case No. 1100088894

- Pending litigation against U.S.-based cryptocurrency exchange
- Representing worldwide group of claimants alleging falsely-advertised services, inherently-faulty trading platform, and inadequate security measures cost claimants losses exceeding \$50 Million

Gaviria, et. al. v. Tezos

U.S. Dist. Ct. - Middle District of Florida - Case No. 6:17-cv-01959

- Litigation against \$1.2 Billion Initial Coin Offering (ICO) promoter and its principals
- Representing class of victims alleging misleading sale of pre-functional, proprietary cryptocurrency tokens constituted securities fraud, unregistered sale of securities, and conversion of property

Hodges, et al. v. Monkey Capital, LLC, et al.

U.S. Dist. Ct. - Southern District of Florida - Case No. 9:17-cv-81370

- Pending litigation against Initial Coin Offering (ICO) promoter and its principal
- Representing class of victims alleging misleading sale of pre-functional, proprietary cryptocurrency tokens constituted securities fraud and unregistered sale of securities

Stormsmedia LLC v. Giga Watt

U.S. Dist. Ct. - Eastern District of Washington - Case No. 2:17-cv-00438

- Negotiated confidential resolution of litigation against U.S.-based Initial Coin Offering (ICO) promoter soliciting investments in cryptocurrency mining farm
- Represented million-dollar investor alleging misleading sale of pre-functional, proprietary cryptocurrency tokens constituted unregistered sale of securities

REPRESENTATIVE MATTERS --
COMMERCIAL LITIGATION AND INVESTMENT FRAUD

TANDI Partners LLC v. CRL Management LLC, et al.

U.S. Dist. Ct. - Southern District of Florida -- Case No. 1:13-cv-23900-KMM

- Obtained a favorable settlement for a U.S.-based investor on a \$14 Million claim against investment advisory firm and its principals in lawsuit alleging fraud, breach of fiduciary duty, and misrepresentation.

Bounty Gain Enterprises, Inc. v. John Textor, et al. (St. Lucie County [FL] Circuit Court - Case No. 56-2014-CA-002037) and *Bounty Gain Enterprises, Inc. v. UBS Financial Services, Inc.* (U.S. Dist. Ct. - Southern District of Florida -- Case No. 9:14-cv-81603-KAM)

- Negotiated favorable resolutions for Hong Kong-based \$5,000,000.00 investor in failed multi-media/special effects company. Claims of securities fraud, gross negligence, and conspiracy to defraud were alleged against company's principals and related professional firms. Claims of professional negligence were separately alleged against brokerage firm and Registered Representative tasked with handling post-investment liquidation of investment.

Bates v. WorldPMX, Inc.; Investment Quality Diamonds, Inc.; Sean McCabe; AmeriFirst Trading, Inc.; C. Leo Smith; and Worth Group, Inc.

U.S. Dist. Ct. - Southern District of Florida -- Case No: 13-cv-61138-ZLOCH

- Obtained \$2.5 Million Judgment for husband-and-wife investors defrauded in precious metals scam.

Burt v. Key Trading LLC, et al.

U.S. Dist. Ct. - District of New Jersey -- Case No. 2:12-cv-06333-KM-MCA

- Obtained nearly \$2,000,000.00 Final Judgment for two-time Super Bowl winner James ("Jim") Burt against several individuals, and their corporate entity, who had misappropriated former football star's \$1,800,000.00 investment.
- After having obtained the judgment in the full amount of our client's loss, our attorneys secured an injunction freezing assets of one of the defendants in an effort to avoid dissipation of those assets before the Final Judgment could be satisfied.

Van Leer v. Invictus Asset Management, et al.

U.S. Dist. Ct. - District of New Jersey -- Case No. 2:15-cv-01878-MCA

- Negotiated favorable resolution for clients in \$2 Million claim against investment advisory firm and its principals alleging breach of contract, fraud, and misrepresentation.

Smigiel Foundation to Benefit Children and Families, Inc. v. TradeDesk Capital LLC, et al.

U.S. Dist. Ct. - Southern District of Florida -- Case No. 9:13-cv-81273-WPD/SNOW

- Negotiated favorable resolution for not-for-profit corporation in lawsuit against investment advisory firm and its principals alleging breach of contract, fraud, and misrepresentation.

Gray & White Law, 713 E Market St. #200, Louisville, KY 40202

Gray & White is primarily engaged in the representation of consumers in complex trial work and class actions. The firm has received the highest rating for legal abilities and adherence to professional ethics—"AV" by Martindale-Hubbell each year since first rated in 2000. The firm's partners have been rated "Top Lawyers" and Kentucky "Super Lawyers" each year for the past decade by their peers.

The firm began litigating class actions in 1992 as co-counsel for the plaintiffs in two 42 USC § 1983 class actions asserting claims for wrongful strip searching of nonviolent minor offenders in county jails in Kentucky resulting in an \$11.5 million-dollar settlement and a \$6 million-dollar settlement. The firm later acted as co-counsel of record against one of the nation's largest automobile insurance companies alleging improper adjusting practices, Whitworth v. Nationwide Insurance Company resulting in a significant settlement for the class. It also acted as co-counsel of record in a state-wide class action settlement against a local cable television operator alleging improper collection of taxes. Dooley v. TKR Cable.

For the past two decades Gray & White has represented plaintiffs and served in leadership roles in numerous class actions and multi-district litigation matters including, but not limited to, the following:

- In Re: Managed Care Litigation, MDL No. 1334, as a member of plaintiffs steering committee and principal litigator against Humana, brought a Civil RICO case. This matter resulted in billions of dollars of recovery by health practitioners against the nation's six largest health insurance companies.
- Love v. Blue Cross Blue Shield, member of the Plaintiff's Steering committee and principal litigator against Anthem. This action was on behalf of over 500,000 physicians against twenty-three Blue Cross Blue Shield companies alleging wrongful payment practices. This case resulted in significant monetary and injunctive relief to the class.
- In Re: U.S. Foodservice, Inc. Pricing Litigation, MDL 1894, acted as principal litigator and PSC member. This case was brought as a price-fixing case. This case resulted in a \$297 million dollar recovery.
- Fenwick v. Merrill Lynch & Co., Inc. as co-lead Counsel and principal litigator representing former brokers against Merrill Lynch in an ERISA case resulting in a \$10 million dollar recovery for ERISA violations.
- In Re: First Command Litigation, as principal litigator and co-lead counsel in broker-dealer securities fraud recovery in over \$50 million dollars in relief to the class
- Malone v. American Equity Insurance, as co-lead counsel for a national class action certified in state court in Kentucky involving improper sales of living trusts and annuities.
- Brogna v. Fifth Third Bank, as lead class counsel, a class action involving improper lease damages clauses.

- Humphries vs. Hexion Specialty Chemicals, as lead class counsel, an environmental class action involving property and personal injury claims that resulting in a settlement valued close to \$7 million dollars
- Wright vs. Louisville Paving Company, as co-lead counsel, an environmental class action involving property and personal injury claims.
- In Re: Countrywide Financial Corp. Customer Data Security Breach Litigation: Mr. Gray was appointed liaison Counsel to the Court
- In re Blue Cross Blue Shield Litigation; MDL 2406, Principal litigator against Anthem, Inc.

Defective Products

The firm has also represented hundreds of individual clients who have been injured by defective products. Some of the products involved include the following: Vioxx, the firm represents a number of individual plaintiffs who have had strokes, heart attacks and death as a result of using the drug Vioxx; In Re: Op Hip Prosthesis Product Liability Litigation, MDL-1401 involving Sulzer Orthopedics, Inc.'s recall of 17,500 hip replacements for defects; Baycol Products Litigation, MDL-1431, a Bayer Corporation drug for lowering cholesterol which caused liver, muscle and kidney damage.

Complex/ Catastrophic Injury Cases

The firm has has a long history of success representing numerous clients in catastrophic injury cases. Recently, the firm acted as co-lead counsel for the Estate of Timothy Snoddy, a passenger aboard Comair 5191 one of the largest cases of In re Air Crash at Lexington Kentucky, August 27, 2006. Of note, In 1999, Mr. Gray took to trial a medical malpractice/bad faith case reaching a jury reward of 13.1 million dollars. This verdict remains one of Kentucky's largest injury verdicts and was one of the seminal cases involving bad faith litigation concerning health insurer's denial of benefits.

Firm Partners:

Mark K. Gray, (Member) born Murfreesboro, Tennessee, September 26, 1965; admitted to bar, 1990, Kentucky and U.S. District Court, Western District of Kentucky; 1991, U.S. District Court, Eastern District of Kentucky and U.S. Court of Appeals, Sixth Circuit; 1995, U.S. Supreme Court.

Education: Centre College of Kentucky (B.A., 1987); University of Dayton (J.D., 1990). Member, Moot Court Board of Governors, 1988-1990. Lecturer: "Persuasion in Medical Negligence Actions," Louisville Bar Association, November 1996; "Settlement Methods and Proposals view from the Plaintiff Prospective," Auto Litigation Seminar, Kentucky Academy of

EXHIBIT 5

OUR FIRM

Breskin Johnson & Townsend PLLC was founded in 2007 and has been appointed class counsel in dozens of cases in state and federal courts in Washington and around the country. Breskin Johnson & Townsend specializes in representing plaintiffs in consumer, employment, insurance and securities class actions. Below are a few of BJT's representative cases

REPRESENTATIVE CLASS ACTIONS CASES

- *Pisano v. Zulily, Inc., et al.* Federal securities law class action against Zulily, Inc. Defendants have violated the above-referenced Sections of the Exchange Act by causing a materially incomplete and misleading Schedule 14D-9 Solicitation/Recommendation Statement to be filed with the SEC.
- *Griffith v. IsoRay, Inc., et al.* Class action against IsoRay and current and Former members of its Board of Directors for breaches of fiduciary duty and violations of the Minnesota Business Corporations Act.
- *In re: WSB Financial Group Securities Litigation.* Federal securities law class action against WSB Financial Group relating to its misrepresentations and disclosures in SEC filings about its initial public offering.
- *Hill v. Garda CL Northwest.* Armored car drivers in Washington challenge Garda's break and wage practices.
- *Sump v. Affiliated Computer Services, Inc.* Class action by Washington state customer service representatives paid under ACS's "Activity Based Compensation" or "ABC" pay plan, which they claim is deceptive and violates Washington wage laws.
- *In re: Former Washington Mutual Employees* Lead Counsel in a consolidated lawsuit against the FDIC for failing to pay compensation due to former employees of Washington Mutual Bank.
- *Barker v. Skype.* Settled. Reached nationwide settlement in federal lawsuit against Skype, for alleged violations of state laws due to Skype's policy of expiring consumer credits. Settlement includes refunding expired customer credits and a nationwide practice change.
- *Volkswagen Motor Company.* Class Action filed by owners of 1999 and 2000 model year Volkswagens with a diesel (TDI) engine for defects to the intake manifold.
- *MySpine, PS v. Allstate Insurance.* Washington class actions for failure to pay all reasonable and necessary medical expenses under an Allstate PIP insurance policy. Preliminary Approval Granted.
- *MySpine, PS v. Hartford Insurance.* Washington class actions for failure to pay all reasonable and necessary medical expenses under a Hartford PIP insurance policy.

Preliminary Approval Granted. *Randolph v. AT&T Wireless / Schnall v. AT&T Wireless*. California and national class actions by AT&T Wireless subscribers challenging ATT's practice of adding undisclosed "universal connectivity" charges to monthly price of service.

- *Udlinek v. AT&T Wireless*. Washington consumers challenging "cramming" of unwanted features and charging for calls that were supposed to be free.
- *Peck/Bowden v. Cingular / Riensche v. Cingular*. Class actions on behalf of Washington consumers challenging Cingular's practice of billing them an additional fee for its state B&O tax obligations (the so-called "B&O Surcharge").
- *Baxter Air, Inc. v. NOS Communications*. Class action by small businesses in Washington who were deceived into purchasing long distance services at inflated prices through "call unit" billing scheme.
- *Short v. Sprint*. Action by Washington consumers challenging Sprint's practice of "contract renewal" without their knowledge or consent, to prevent them from switching carriers or require them to pay large Early Termination Fees.
- *Hesse/Olson v. Sprint*. Class action by Washington consumers challenging Sprint's practice of billing them an additional fee for its state B&O tax obligations.
- *eNIC Shareholders v. Verisign, Inc.*, United States District Court, Western District of Washington; obtained summary judgment in favor of Plaintiffs in enforcement action under Earnout Clauses to Merger Agreement.
- *Douglas v. Xerox*. Employees across the county challenge Xerox's wage practices.
- *Douglas v. Hill*. Washington employees challenge Xerox's wage practices.
- *MySpine v. USAA*. Washington class action for failure to pay all reasonable and necessary medical expenses under an USAA insurance policy
- *Chan v. Liberty Mutual*. Washington class action for failure to pay all reasonable and necessary medical expenses under a Liberty Mutual insurance policy
- *Chan v. Safeco*. Washington class action for failure to pay all reasonable and necessary medical expenses under a Safeco insurance policy
- *Folweiler Chiropractic v. FairHealth*. A class action by Washington providers whose bills were improperly reduced based on the FairHealth database.
- *Folweiler Chiropractic v. Allstate*. Washington class action for failure to pay all reasonable and necessary medical expenses under an Allstate insurance policy
- *Folweiler Chirporactiv v. Progressive*. Washington class action for failure to pay all reasonable and necessary medical expenses under a Progressive insurance policy
- *Sonosite, Inc. Shareholder Litigation*. Federal securities law class action against Sonosite, Inc Financial Group relating to their breach of fiduciary duties arising out of their attempt to sell the Company to FUJIFILM Holdings Corporation ("Fujifilm") (the "Proposed Transaction"); and Fujifilm and Salmon Acquisition Corporation for aiding and abetting these breaches of fiduciary duties.

- *In Re Superclick, Inc. Shareholder Litigation*. Federal securities law class action against Superclick Board of Directors relating to their breach of fiduciary duties arising out of their attempt to sell the Company to AT&T Corp. (“AT&T”) by means of an unfair process and for an unfair price.
- *Daks v. Seabright Holdings, Inc. Et Al*. Federal securities law class action against Seabright Holdings, Inc. relating to its breach of fiduciary duties arising out of their attempt to sell the Company to Enstar by means of an unfair process and for an unfair price.
- *In Re Emeritus Corp. Shareholder Litigation*. Federal securities law class action against Emeritus Board of Directors relating to its for their breach of fiduciary duties arising out of their attempt to sell the Company to Brookdale by means of an unfair process and for an unfair price.

Roger M. Townsend, Partner

Roger Townsend has been a respected complex litigation attorney in Seattle since 1995. Mr. Townsend has represented individuals and businesses in partnership, breach of contract, intellectual property, privacy rights, professional malpractice, shareholder, employment, non-compete, trade secret and related matters.

Mr. Townsend has been appointed class counsel in multiple class actions including, *Pisano v. Zulily, Inc., et al.*; *Griffith v. IsoRay, Inc., et al.*; *In re: WSB Financial Group Securities Litigation*; *Barker v. Skype*; *Volkswagen Motor Company TDI litigation*; *MySpine, PS v. Allstate Insurance*; *MySpine, PS v. Hartford Insurance*; *Peck/Bowden v. Cingular / Riensche v. Cingular*; *Hesse/Olson v. Sprint*; *MySpine v. USAA*; *Sonosite, Inc. Shareholder Litigation*; *In Re Superclick, Inc. Shareholder Litigation*; *Daks v. Seabright Holdings, Inc. Et Al.*; *In Re Emeritus Corp. Shareholder Litigation*.

Professional Honors and Affiliations

- Ninth Circuit Lawyer Representative, Co-Chair Western District of Washington (2017-2019)
- President (2017 Term), Federal Bar Association, Western District of Washington
- Named “Super Lawyer” by Washington Law & Politics, 2008–present
- “AV” rated by Martindale-Hubbell Peer Review (highest rating)
- AVVO rating: 10.0 (highest rating)
- Member, Bainbridge Island City Council (2013-2017)
- Law Clerk to the Honorable William L. Dwyer, United States District Judge, Western District of Washington, 1996–1997
- Law Clerk to the Honorable Robert R. Beezer, United States Circuit Judge, Ninth Circuit Court of Appeals, 1997–1998

Education

- Northwestern University School of Law
- Wesleyan University B.A., Economics